

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

202

Criminal Misc. No. M-45693 of 2022

Date of decision :-05.10.2023

Sharda Rani and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Hitesh Chopra, Advocate
for the petitioners.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. Parmod Sharma, Legal Aid Counsel
For the complainant.

NIDHI GUPTA J. (Oral)

The petitioners are seeking anticipatory bail in FIR No.0250 dated 29.8.2022, under Sections 498-A and 406 IPC, registered at Police Station Civil Lines, Police District Batala and Administrative District Gurdaspur.

On 31.10.2022, this Court had passed the following order

:-

“CRM-39741-2022

Application is allowed as prayed for.

*Complainant is ordered to be impleaded as
respondent No.2.*

Amended memo of parties is taken on record.

CRM-40124-2022

Application is allowed as prayed for.

Affidavit dated 24.12.2020 of the petitioner No.2 is taken on record as Annexure P-3.

Main Case

Counsel for the petitioners submits that in compliance of order passed by this Court, petitioners have deposited a Demand Draft of Rs.35,000/- in the name of the complainant with the Registrar General of this Court. He further submits that FIR, Annexure P-1, is an outcome of a matrimonial dispute and the petitioners, who were parents-in-law of complainant/respondent No.2 are ready to join the investigation and cooperate with the Investigating Agency.

Issue notice to the respondents, returnable on 15.12.2022.

On asking of the Court, Mr. Mohit Chaudhary, AAG, Punjab, accepts notice on behalf of respondent No. 1-State.

Respondent No.2 be served for the date fixed.

Petitioners are directed to appear before the Investigating Officer on 07.11.2022 at 11.00 A.M. at Police Station Civil Lines, Police District Batala, District Gurdaspur and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, they shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

As and when complainant/respondent No.2 puts in appearance before this Court, the Demand Draft of Rs.35,0001- shall be released to her/her counsel on moving an appropriate application before the Registrar General.”

Learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Jatinder Pal Singh states that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation but some recovery is yet to be effected from the petitioners.

Learned counsel for the petitioners submits that in pursuance to the order dated 31.10.2022 passed by co-ordinate Bench of this Court, the petitioners have joined the investigation. Hon’ble Supreme Court in ***Bimla Tiwari vs. State of Bihar and others***, passed in ***Special Leave Petition (Crl.) Nos.834-835 of 2023***, on ***16.01.2023*** held that matter of grant of bail, is not akin to money recovery proceedings.

In view of the above, the order dated 31.10.2022 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

October 05, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No