

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

201

Criminal Misc. No. M-45630 of 2022

Date of decision :-14.07.2023

Sukhpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Ms. Kanika Sachdeva, AAG, Punjab
Assisted by ASI Resham Singh.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.42 dated 06.8.2022, under Sections 498-A and 406 IPC, registered at Police Station Women Cell, District Bathinda.

On 30.09.2022, this Court had passed the following order

:-

“Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case on account of marital discord between the petitioner and the complainant; the petitioner does not have any other criminal antecedents; the allegations of demand of dowry and giving beatings are false and in any case vague and unsubstantiated; they are also not backed by any medical evidence and

that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr. M. S. Nagra, AAG, Punjab accepts notice on behalf of the respondent-State.

For arguments, adjourned to 06.02.2023.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.42 dated 06.08.2022 registered under Sections 498-A and 406 IPC at Police Station Women Cell, district Bathinda, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel, on instructions from ASI Resham states that in terms of the order passed by this Court, reproduced above, though the petitioner has joined the investigation, but is not cooperating as some of the dowry articles are yet to be recovered.

Learned counsel for the petitioner submits that in compliance of the order of this Court, the petitioner has joined the investigation and with regard to recovery of some of the dowry articles, as stated by learned State counsel, the petitioner is only alleged to be in possession of dowry articles, rather nothing is to be recovered from the petitioner. He further submits that this is a matter of evidence and this fact will be determined at the time of trial.

In view of the above, the order dated 30.09.2022 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is 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 petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 14, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No