

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

205

CRM-M-47775-2022

Date of decision: 08.08.2023

SALEEM KHAN ALIAS SALIM KHAN

...Petitioner

VERSUS**STATE OF PUNJAB**

...Respondent

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Ms. Manmohan Kaur, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NIDHI GUPTA, J.(ORAL)

1. The petitioner is seeking anticipatory bail in FIR No.100 dated 01.09.2022, registered for offences under Sections 406 and 498-A of IPC, 1860, at Police Station Mataur, District SAS Nagar.

2. On 17.10.2022, this Court had passed the following order :-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.100 dated 01.09.2022, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Mataur, District S.A.S. Nagar, Annexure P-1.

Counsel for the petitioner contends that the petitioner had solemnized the marriage with the complainant in the year 2014 and there has been no complaint whatsoever against him till 2021. She urges that reason for the marital discord between the parties is that the complainant is not taking care of 7 year old disabled child born out of the wedlock.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab accepts notice on behalf of the respondent-State.

List on 14.02.2023.

Petitioner is directed to appear before the Investigating Officer on 27.10.2022 at 10.00 A.M. at Police Station Mataur, District S.A.S. Nagar and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

3. Learned State counsel, on instructions from the Investigating Officer states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation but some recovery is yet to be effected from the petitioner.

4. Learned counsel for the petitioner submits that in pursuance to the order dated 17.10.2022 passed by co-ordinate Bench of this Court, the petitioner has 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.

5. In view of the above, the order dated 17.10.2022 granting interim bail to the petitioner is made absolute.

6. 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.

7. 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.
8. The petition stands disposed of.

August 08, 2023
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(NIDHI GUPTA)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No