

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

209

Criminal Misc. No. M-55864 of 2022

Date of decision :-09.08.2023

Jatinder Singh**.....Petitioner****Versus****State of Punjab****.....Respondent**

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. M.S. Kathuria, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Vipul Babuta, Advocate
For the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.130 dated 09.11.2022, under Sections 406 and 498-A IPC, registered at Police Station Women Ludhiana, District Police Commissionerate Ludhiana.

On 06.12.2022, 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. 130 dated 09.11.2022, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Ludhiana, District Police Commissionerate Ludhiana, Punjab.

Counsel for the petitioner submits that dispute has arisen in a 3 year old marriage on

petty issues and the petitioner, who is the husband of the complainant, is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

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

Petitioner is directed to appear before the Investigating Officer on 12.12.2022 at 10.00 A.M. at Police Station Women Ludhiana, District Police Commissionerate Ludhiana, Punjab, 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. On joint request of counsel representing the private parties, matter is referred to the Mediation and Conciliation Centre of this Court Parties are directed to appear before the Centre on 20.12.2022 at 10.00 A.M.

List on 10.05.2023 to await report of the learned Mediator.

On the day, the parties appear before the Centre, the petitioner will pay a sum of Rs.25,000/- by way of litigation and travelling expenses to the complainant, which will be a condition precedent to the initiation of the mediation proceedings.”

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.

Learned counsel for the petitioner submits that in pursuance to the order dated 06.12.2022 passed by co-ordinate Bench of this Court, the petitioner has joined the investigation.

Hon'ble Supreme Court in the case of ***Bimla Tiwari vs. State of Bihar and others, passed in Special Leave Petition (Crl.) Nos.834-835 of 2023, on 16.01.2023*** has held that matter of grant of bail, is not akin to money recovery proceedings.

In view of the above, the order dated 06.12.2022 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.

August 09, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No