

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

203

CRM-M-4755-2023 (O&M)
Date of order: 08.02.2024

Jasbir Singh

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

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

Mr. Kunwarbir Singh, AAG Punjab.

Ms. Mehak Sood, Advocate for
Mr. Taranjit Singh Grewal, Advocate
for respondent No.2.

Nidhi Gupta, J.

Prayer in the present first petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in a case FIR No.3 dated 05.01.2023 registered under Sections 406, 498-A and 354-A IPC at Police Station Dinanagar, District Gurdaspur.

On 31.01.2023, Co-ordinate Bench of this Court had passed the following order:-

“This is a petition for grant of pre-arrest bail in case FIR No. 3 dated 5.1.2023 under Sections 406, 498-A and 354-A IPC registered at Police Station Dinanagar, District Gurdaspur.

Learned counsel for the petitioner contends that soon after the marriage on 7.5.2021, the complainant’s husband went to Canada, where he had shifted to from his

previous place of residence in Dubai. The petitioner, who is father-in-law of the complainant, also works in Dubai. Soon after the marriage he left for his workplace and stayed there only. He came back to India only in December 2022. It is further contended that allegations in the FIR have been levelled to falsely implicate the petitioner on his coming back to India. The incident where the petitioner has allegedly tried to outrage the complainant's modesty, pertain to the period somewhere in May 2021. Besides, similar allegations levelled against her brother-in-law, were found false by the Investigating Agency.

Learned State counsel opposes the grant of pre-arrest bail on the ground that there are specific allegations against the petitioner.

Notice of motion for 3.5.2023.

In the meanwhile, subject to the petitioner joining the investigation as and when called upon by the Investigating Officer, as also abiding by other conditions of Section 438 (2) Cr.P.C., in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer."

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation.

Learned State Counsel on instructions submits that pursuant to aforesaid order dated 31.01.2023, passed by Co-ordinate Bench of this Court, petitioner/father-in-law of respondent No.2/complainant, has joined the investigation; and some recovery has been effected from the petitioner.

Learned counsel appearing for respondent No.2/complainant submits that certain other recoveries are yet to be effected from the petitioner.

Learned counsel for the petitioner vehemently controverts the aforesaid submissions of learned counsel for the State and learned counsel for the complainant.

I have heard learned counsel for the parties.

Hon’ble the Supreme Court in **Bimla Tiwari Vs. State of Bihar and others, Law Finder Doc ID # 2110551**, has held that “*matter of grant of bail is not akin to money recovery proceedings*”. In view of the above, the order dated 31.01.2023 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 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.

Present petition accordingly stands **disposed of**.

08.02.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No