

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

**101+206**

CRM-M-5336-2022 (O&M)

Date of Decision: 05.03.2024

Shivam Aneja

.... Petitioner

Versus

State of Punjab

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Bipan Ghai, Senior Advocate with  
Mr. Nikhil Ghai, Advocate for the petitioner.

Mr. S.S. Chahal, AAG, Punjab.

Mr. M.S. Joshi, Advocate for  
Mr. R.S. Joshi, Advocate for the complainant.

**NIDHI GUPTA, J. (ORAL)**

The petitioner is seeking anticipatory bail in case FIR No. 3 dated 10.01.2022 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Station Kotwali, Patiala.

On 10.02.2022, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

*“Heard through video conferencing.  
Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.3 dated 10.01.2022, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Kotwali, Patiala (Annexure P-1).*

*Counsel for the petitioner urges that the allegations levelled in the FIR (Annexure P-1) are absolutely false and there are monetary transactions between the parties because the petitioner and the complainant-wife had agreed to share the expenses of their marriage. He contends that in so far as the allegation regarding purchase of car with the money*

given by the complainant is concerned, he contends that the car was purchased from the funds arranged by his father as is reflected from the bank statement (Annexure P-4). Counsel filed an affidavit dated 10.02.2022 of the petitioner, which is taken on record, wherein it has been deposed as under:-

"2. That the deponent is willing to return the articles received as gifts from the family of complainant during wedding/ceremonies. The following is the list of articles:

| Sr. No. | Description of Articles          |
|---------|----------------------------------|
| 1.      | 1 Gold Chain (1.5 tola)          |
| 2.      | 1 diamond Ring (5.5 gm)          |
| 3.      | 1 Gold Ring (4.98 gm)            |
| 4.      | 1 Gold Ring (4.7 gm)             |
| 5.      | Gold Earrings (3 gm)             |
| 6.      | Earrings and Locket set (9.9 gm) |
| 7.      | LED TV (LG UHD 108 cm)           |
| 8.      | 1 Silver Coin                    |
| 9.      | Shiv Ji Murti                    |
| 10.     | 1 Food Container Set             |
| 11.     | 1 Microwave Samsung              |
| 12.     | 1 Quilt Set                      |
| 13.     | 2 suitcases                      |

3. That the complainant had left behind some of her belongings at the house of the Deponent, which the deponent also wants to return. The list of belongings are as follows:

| Sr. No. | Description of Articles |
|---------|-------------------------|
| 1.      | 4 Sarees                |
| 2.      | 3 Lehengas              |
| 3.      | 1 Gown                  |
| 4.      | 2 jackets               |
| 5.      | 6 salwar Kameez suits   |
| 6.      | 2 Jeans                 |
| 7.      | 2 Footwears             |
| 8.      | 2 Make up Kits          |
| 9.      | 1 Hair Dryer            |

4. That there are certain gold/diamond items which were gifted in reciprocity by the family of the deponent to the complainant and are in possession of the complainant. The deponent

*can provide a list if this Hon'ble court deems appropriate."*

*Notice of motion.*

*On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. State counsel submits that he has instructions to state that the articles mentioned in the affidavit dated 10.02.2022 are incomplete and some entrustments made to the family members of the petitioner have not been depicted therein. Mr. Sandeep Gahlawat, Advocate has put in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record. He submits that the complainant wants to go back to the matrimonial home and live with the petitioner.*

*List on 16.05.2022.*

*Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his 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.*

*Counsel representing the petitioner as well as the complainant have instructions to submit that there exists a possibility of settlement between the parties and they have requested that the matter may be referred to the Mediation and Conciliation Centre of this Court.*

*Ordered accordingly.*

*The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 21.02.2022 at 10.00 AM.*

*Mediator is requested to submit his/her report on or before the date fixed in the case.*

*The petitioner will return the articles mentioned by him in his affidavit dated 10.02.2022 before the Mediator in case the complainant is willing to accept the same.*

*The return of the aforesaid articles by the petitioner will be without prejudice to his right of defence."*

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

On instructions from ASI Sukha Singh, learned counsel for the State states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and is co-operating with

the investigating agency, and no further interrogation is required, at this stage. He further submits that challan in the present case was presented in the month of February, 2022 and charges have also been framed by the learned trial Court.

However, learned counsel for the complainant submits that the matter pertains to matrimonial discord between the parties. He further submits that though the petitioner has joined the investigation, however, still recovery of some more dowry articles is yet to be effected from him.

Learned Senior Counsel for the petitioner vehemently controverts the aforesaid submission of learned counsel for the complainant and submits that recovery of all dowry articles have been effected from the petitioner.

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", which has been relied upon by a co-ordinate Bench of this Court in its recent judgment dated 12.02.2024, passed in **CRM-M-60647-2023, 'Varun Sharma vs. State of Punjab and another'..**

In view of the above, the order dated 10.02.2022 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 co-operate 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.

Pending application(s), if any, shall also stand disposed of.

**05.03.2024**

*rishu*

( NIDHI GUPTA )  
JUDGE

## Whether speaking/reasoned

**Yes/No**

## Whether Reportable

Yes/No