



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
204 CRM-M-6071-2024

Date of Decision: 19.07.2024

Ramesh Grover

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Ms. Sapna Seth, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner/father-in-law of respondent No. 2, has filed the present 1st petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.104 dated 15.06.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Mataur, District SAS Nagar.

On 05.02.2024, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“The petitioner is seeking pre-arrest bail in case bearing FIR No.104 dated 15.06.2023 registered under Sections 406 and 498-A of IPC at Police Station Mataur, District SAS Nagar on the basis of written complaint filed by the complainant-Kajal making allegations that she was married with the son of the present petitioner on 09.12.2020 and an amount of Rs.3.5 crores was spent on her marriage by her father. But the petitioner and other family members of her in-laws were not satisfied with the dowry so given and they started raising demand of money etc. and on account of those very demands, she has been subjected to cruelty as well as mental and physical harassment.

It is submitted by learned counsel for the petitioner that the petitioner had moved an application for grant of anticipatory bail before the Court of Additional Sessions



Judge, SAS Nagar and recovery of gold weighing about 24.200 miligrams, Mercedes car, some articles of furniture, refrigerator had been effected from him. He submitted that neither further recovery was to be effected from him nor his custodial interrogation is required, however, concerned Court had dismissed his plea for grant of pre-arrest bail despite the fact that he had joined the investigation several times and was not required for the purpose of any further investigation. He further submitted that the wife and son of the petitioner had also joined the investigation and had got effected the recovery of the entire dowry articles allegedly given at the time of marriage of his son by the family of the complainant.

Notice of motion.

On asking of the Court, Ms. Ruchika Sabherwal, D.A.G., Punjab accepts notice on behalf of the respondent-State and seeks time to file status report.

At this stage, on oral request of learned counsel for the petitioner, the complainant is ordered to be impleaded as respondent No.2 in this petition.

Amended memo of parties be filed by the counsel for the petitioner today, itself.

Let notice to respondent No.2 be issued for 23.02.2024 after depositing process fee by the petitioner.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within a period of 4 days or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C”

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

Reply filed on behalf of respondent No. 2 in Court today is taken on record.

On instructions from ASI Dilbagh Singh, learned counsel for the State submits that in terms of the order dated 05.02.2024 passed by a co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation on 08.02.2024 and is co-operating with the investigating agency.



However, learned counsel for the respondent No. 2 submits that though the petitioner has joined the investigation, however, recovery of dowry articles is yet to be effected from his wife/mother-in-law of respondent No. 2.

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 05.02.2024 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.

19.07.2024
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No