



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-9645-2024

Date of Decision: 01.07.2024

Kawaldeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rahul Bhargava, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 438 Cr.P.C.
is for grant of anticipatory bail to the petitioner in case FIR No. 11 dated
16.01.2024 (Annexure P-1) registered under Sections 498-A and 406 IPC
at Police Station Lopoke, District Amritsar Rural.

On 09.05.2024, when this case was listed for hearing,
following order was passed by this Court:-

*“Prayer in this 1st petition filed under Section 438 Cr.P.C.
is for grant of anticipatory bail to the petitioner in case FIR No.
11 dated 16.01.2024 (Annexure P-1) registered under Sections
498-A and 406 IPC at Police Station Lopoke, District Amritsar
Rural.*

*Learned counsel for the petitioner, inter alia, submits that
the present FIR emanates from the matrimonial dispute between
the petitioner and the complainant. Marriage of the petitioner
with the complainant was solemnized on 09.02.2019. No child was
born out of the said wedlock. The complainant had left the*



matrimonial home out of her own free will in the month of April 2023. Thereafter, she had filed a complaint on 19.05.2023 (Annexure P-2) and later on, the complainant withdrew the same, as is evident from police report dated 21.06.2023 (Annexure P-3). It is further submitted the petitioner had filed a petition (Annexure P-4) under Section 9 of the Hindu Marriage Act, 1955 (for short- 'the Act') for restitution of conjugal rights on 01.07.2023 and in response thereto, the complainant had filed a petition (Annexure P-5) under Section 13 of the Act, seeking divorce from the petitioner. Learned counsel for the petitioner states that the allegations made by the complainant in previous complaint dated 19.05.2023 (Annexure P-2) are at variance with the allegations made in the present FIR, as the complainant has sought to improve upon her earlier version in an attempt to embroil the petitioner in the present case by making utterly false and concocted allegations. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

In view of the above, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*



iii that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Adjourned to 01.07.2024.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the order dated 09.05.2024 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions, submits 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.

Mr. Sarbjit Singh Khaira, Advocate puts in appearance and files vakalatnama on behalf of the complainant in Court today which is taken on record. Learned counsel for the complainant/respondent No.2 submits that dowry articles/jewellery is still to be recovered 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 09.05.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will 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, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

01.07.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No