

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

**207**

CRM-M-10616-2023

Date of Decision: 20.02.2024

Jaspreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

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

Present: - Mr. Hardeep Singh, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. H.R. Bhardwaj, Advocate for the complainant.

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

The petitioner is seeking anticipatory bail in case FIR No. 14 dated 19.02.2023 registered under Sections 406, 498-A IPC at Police Station Women, District Patiala.

On 01.03.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court :-

*“Jaspreet Singh has filed anticipatory bail application in FIR No. 14 dated 19.02.2023, registered under Sections 406, 498-A of IPC at Police Station Women, District Patiala.*

*It is argued that he is falsely involved in this case. Earlier, the complaint filed by the complainant was found to be false. Even otherwise, he has filed one petition under Section 9 of Hindu Marriage Act. He is ready to reconcile and he is also ready to handover the dowry articles.*

*Notice of motion.*

*On the asking of this Court, Mr. Mohinder Singh Joshi, Additional A.G. Punjab accepts notice on behalf of the State.*

*Considering the aforesaid facts, the arrest of the petitioner is stayed till next date, subject to the joining of investigation.*

*Adjourned to 01.05.2023.*

*In the meantime, status report be filed by the respondent State by the adjourned date.”*

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation. He further submits that the petitioner has joined the investigation thrice and submits that all gold articles have been recovered from him.

On instructions from HC Rahul Kumar, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation thrice and certain dowry articles are recovered from him and this fact has also been mentioned in para No. 8 of the status report dated 25.07.2023, which reads as under:-

*“8. That it is respectfully submitted that in compliance of the order dated 01.03.2023 passed by this Hon'ble Court, the petitioner joined the investigation on 11.04.2023 and presented the dowry articles i.e. (i) Gold chain weighing 18.350gm, (ii) Gold Bangle (Kada) weighing 18.100gm, (iii) Gold ring weighing 7.070gm, (iv) Gold ring weighing 3.250gm, (v) Gold ring weighing 2.500gm, (vi) Pair of gold tops weighing 3.00gm and (vii) Samsung LED before the investigating officer and the same were handed over to the complainant as per law. But it is pertinent to mention here that as per statement of complainant the remaining articles i.e. (i) Gold set 20 gm, (ii) two gold bangles weighing 15gm*

*each, (iii) earrings, (iv) gold ring 5 gm, (v) one mobile phone make Vivo and other articles are yet to be recovered. Moreover, the gold chain given by the complainant was of 20gm and the gold bangle was of 20.100gm but the articles returned by petitioner are less in weight.”*

Learned counsel for the State further submits that the petitioner is co-operating with the investigating agency, and no further interrogation is required, at this stage.

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 are yet to be effected from him.

Learned counsel for the petitioner vehemently controverts the aforesaid submission of learned counsel for 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 01.03.2023 granting bail to the petitioner is made absolute and in the event of his arrest, he shall be released on 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.*

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.

20.02.2024  
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( NIDHI GUPTA )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |