



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-12916-2024 (O&M)

Date of Decision: 11.12.2024

Bharat Verma

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. G.S.Bedi, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. Munish Puri, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

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. 09 dated 13.02.2024 registered under Sections 498-A, 406, 323 and 506 IPC at Police Station Division No. 1, District Pathankot.

On 20.08.2024, 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. 09 dated 13.02.2024 registered under Sections 498-A, 406, 323 and 506 IPC at Police Station Division No. 1, District Pathankot.

Learned counsel for the petitioner, inter alia, submits that petitioner was married to the complainant on 21.07.2013. One son was born out of the said wedlock, who is currently in the care and custody of the complainant. It is



submitted that as per the FIR, the petitioner had physically assaulted the complainant, after consuming liquor and narcotic capsules on 20.02.2023, thus, causing injuries on the person of the complainant. Learned counsel submits that in respect of the said alleged incident dated 20.02.2023, the present FIR was registered almost one year thereafter on 13.02.2024. It is further submitted that the MLR of the complainant regarding the said incident and injuries is cast in doubt as the place of occurrence is Hoshiarpur; whereas the MLR has been procured by the complainant from Pathankot. It is further submitted that during the course of enquiry, the petitioner has been appearing before the Investigating Agency. 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.

Perusal of the order-sheets shows that vide order dated 13.03.2024 at the request of learned counsel for the complainant, the matter was referred to the Mediation and Conciliation Centre of this Court, for exploring the possibility of an amicable settlement between the parties; whereafter, report dated 17.07.2024 has been received from the Mediator, as per which the complainant had not appeared for mediation.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent-State.

Learned counsel for the State assisted by learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner and submits that serious allegations have been made against the petitioner. It is submitted that as per the MLR, 03 injuries



were found on the person of the complainant including one on the neck and one on the forearm.

Heard.

Adjourned to 11.12.2024.

In the meantime, 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 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.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with 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 20.08.2024 passed by this Court, the petitioner has joined investigation on 29.08.2024.

Status report dated 09.12.2024 filed by way of an affidavit of the Deputy Superintendent of Police, City Pathankot on behalf of



respondent-State of Punjab in Court today is taken on record. A copy thereof has been supplied to learned counsel opposite.

Learned counsel for the State, on instructions from ASI Naresh Kumar, submits that although, the petitioner has joined investigation on 29.08.2024. However, the petitioner is not co-operating *in-as-much* as dowry articles are yet to be recovered from the petitioner.

Learned counsel for the petitioner counters the above submissions of learned counsel for the State and submits that as per the judgment of Hon'ble Supreme Court in ***Bimla Tiwari vs. State of Bihar and others, Law Finder Doc ID # 2110551***, wherein it is 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’**.

Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner and submits that serious allegations have been made against the petitioner. It is submitted that as per the MLR dated 20.02.2023, three injuries were found on the person of the complainant including one on the neck; second on the forearm; and third on the back side of the complainant.

Heard.

In view of the fact that the petitioner has joined investigation on 29.08.2024, the order dated 20.08.2024 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.

Pending application, if any, stands disposed of.

11.12.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No