

101+205

2024:PHHC: 024170
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16177-2023 (O&M)
Date of Decision : 21.02.2024

Satnam Singh

...Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Sourabh Chauhan, Advocate and Mr. Kanwal S. Walia,
Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Abhinav Gupta, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

CRM No.8165 of 2024

Application is allowed subject to all just exceptions. Annexures P-14 to P-16 are taken on record.

CRM-M-16177-2023

Prayer in the present first petition is for grant of anticipatory bail to the petitioner in case FIR No.119 dated 31.12.2023 registered under Section 498-A and 406 IPC at Police Station Women Cell, District Patiala.

On 29.11.2023, this Court had passed the following order:

“On 29.03.2023 the following order was passed:

*"This is a petition for grant of pre-arrest bail in case FIR No.119 dated 31.12.2022 under Sections 406, 498-A IPC, registered at Police Station Women Cell, Patiala.
Notice of motion.*

Mr. Jashandeep Singh, Assistant Advocate General, Punjab and Mr. Abhinav Gupta, Advocate, accepts notice on behalf of the respondent-State and respondent No.2. Learned counsel for the petitioner as well as complainant submit that both the parties are Engineers and working as SDOs with the Government of Punjab. There have been previous attempts of settling the issues between them, which could not succeed. But there are chances that both of them can part ways by amicably resolving their disputes, and for that purpose, they may be referred to Mediation and Conciliation Centre of this Court.

Ordered accordingly.

The parties are directed to appear before the Mediator on 11.04.2023.

Adjourned to 02.05.2023.

In the meanwhile, petitioner's arrest shall remain stayed to facilitate the mediation."

Various attempts for mediation have failed.

Learned counsel for the State on instructions from ASI Tejinder Pal has pointed out that one tola of gold was recovered pursuant to joining investigation before the Sessions Court. However, 22 tolas of gold still remain to be recovered.

List on 21.02.2024.

Meanwhile, the petitioner is directed to rejoin investigation and to cooperate with the Investigating Agency.

Interim order to continue."

Learned counsel for the complainant has vehemently opposed granting anticipatory bail to the petitioner on the ground that after grant of interim protection by this Court, the conduct of the petitioner has been reprehensible.

In this situation, when the Court asked as to how the petitioner misused the concession of interim protection, counsel for the complainant has merely stated that the petitioner had made a statement before this Court on 29.03.2023 that there was no chance of rehabilitation. However, thereafter, he has attempted to rehabilitate with the complainant. It is further submitted that

the petitioner has made allegations against the father of the complainant. However, counsel for the petitioner has disputed this fact. Moreover, there is nothing on record to substantiate the said allegations made by learned counsel for the complainant.

Learned State counsel, on instructions from ASI Tejinder Singh, has informed that the petitioner has joined the investigation and most importantly that he is cooperating. However, it is submitted that there is a huge amount of dowry articles to the tune of Rs.20 lacs which have 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 29.11.2023 granting interim bail to the petitioner is made **absolute**. However, the petitioner shall abide by following conditions:-

- i) *He shall join the investigation as and when required by the Investigating Officer.*
- ii) *He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and*
- iii) *He shall not leave the limits of this country without prior permission of the Court.*

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.

February 21, 2024

ps

(NIDHI GUPTA)
JUDGE

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*