



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-16967-2023

Date of Decision: 05.08.2024

Piyush

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Arun Dogra, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Ms. Shubhreet Kaur, Advocate for for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No. 0002 dated 23.03.2023 (Annexure P-1) registered under Sections 498-A and 406 IPC at Women Police Station, Sangrur, Punjab.

On 05.04.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“The petitioner prays for grant of anticipatory bail in FIR No. 0002 dated 23.03.2023, registered under Section 498-A & 406 IPC at Women Police Station Sangrur, Punjab.

On account of marital discord between the petitioner and his wife, an FIR has been registered.

On a bare look at the FIR, it is evident that allegations including the demand of dowry, hurling filthy abuses and also attempting to outrage the first informant’s modesty have been levelled against the petitioner.

The learned counsel representing the petitioner contends that he has falsely implicated in the FIR.

Mr. Reetika Joshi (first informant) has entered



appearance and submits that she wants to say with the petitioner.

Notice of motion.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab, accepts notice on behalf of the State.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 25.05.2023.”

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

Learned counsel for the complainant has placed on record a copy of order dated 11.01.2024, passed by the learned Judicial Magistrate Ist Class, Sangrur, in para 5 thereof, it has noted as under:-

*“5. Hence for the reasons cited above, the application so filed by the complainant/appellant Reetika seeking directions to DSP (HQ) and SHO PS Women, Sangrur to array Promila Sharma and Vivek Kumar Sharma as accused in the said FIR stands **declined** and so far as the relief so sought pertaining to addition of offences u/s 506/509/511/ 342/354 IPC is concerned, the necessary directions is hereby issued to the PS concerned to present the final report u/s 173 Cr.P.C. after thorough investigation pertaining to the offence alleged u/s 506/509/511/ 342/354 IPC application stands disposed off. File be consigned to record room.”*

It is accordingly contended by learned counsel for the complainant that the offences under Sections 506, 509, 511, 342 and 354 IPC have been added.

On instructions, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 07.04.2023 and is co-operating with the investigating agency. Learned counsel for the State has also brought



attention of this Court to the averments made in para 8 (at page 6) of the status report dated 12.07.2024 filed by way of affidavit of Sh. Harban Singh, Deputy Superintendent of police, Operations and Security, Sangrur and the relevant portion of para 8 reads as under:-

“8. That regarding the contention raised by Learned counsel for the petitioner that offences u/s 506, 509, 511, 342 and 354 have been added in this case. This fact is totally incorrect. The factual position of that during the investigation of the case, the complainant filed an application u/s 156(3) Cr.P.C. before the Ld. Trial Court that mother-in-law and father-in-law namely Promila Sharma and Vivek Kumar Sharma have intentionally not been arrayed as accused in the present FIR and for the addition of offences u/s 506, 509, 511, 342 and 354 IPC. The Court of ld. JMIC, Sangrur declined the factum to array Promila Sharma and Vivek Kumar Sharma as accused and vide order dated 11.01.2024, the said application was disposed of by the Ld. Trial Court with the observation that, “so far as the relief so sought pertaining to addition of offences u/s 506, 509, 511, 342 and 354 IPC application stands disposed off.” In compliance of the said order, the case was thoroughly investigated pertaining to the said offences and no offences u/s 506, 509, 511, 342 and 354 IPC were found to be made out against any of the person alleged in the complaint, during the course of investigation, as complainant did not produce any solid proof or witness in this regard.....”

However, learned counsel for the State submits that recovery of Rs.3,10,000/- given to the petitioner at the time of marriage by the parents of the complainant is yet to be effected from him.

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 05.04.2023 granting interim bail to the petitioners 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.

05.08.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No