

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

207

CRM-M-17515-2023 (O&M)
Date of order: 29.02.2024

Vivek Kumar @ Vivek Dass

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

Mr. Chandan Deep Singh, Advocate
for complainant/respondent No.2.

Nidhi Gupta, J.

The petitioner is seeking anticipatory bail in case FIR No. 153 dated 09.11.2022 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Dugri, District Police Commissionerate, Ludhiana.

2. On 17.07.2023, a Co-ordinate Bench of this Court had passed the following order:-

“Mr. Chandan Deep Singh, Advocate has put in appearance on behalf of respondent No.2 and has filed his vakalatnama, which is taken on record. He states that there is a chance of an amicable settlement between the parties.

In view of the above, let the matter be placed before the Mediation and Conciliation Centre of this Court. Parties

are directed to appear there on 08.08.2023 at 10.00 am for exploring the possibility of an amicable settlement.

To await the report, list on 21.09.2023.

The petitioner shall bring a Demand Draft of Rs.11,000/- as directed vide order dated 13.04.2023 in the name of respondent No.2 and the same be handed over to respondent No.2 before the Mediator. In addition, a Demand Draft of Rs.5,000/- shall also be handed over to respondent No.2 towards her travelling expenses on the next date of hearing.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973”.

3. Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has re-joined the investigation and has co-operated.

4. On instructions from ASI Baldev Singh, learned counsel for the State submits that the matter pertains to matrimonial discord between the parties. He further submits that in terms of the order passed by Co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and recovery is complete.

5. Learned counsel for the complainant/respondent No.2 disputes the above said fact that the recovery is complete.

6. Learned counsel for the petitioner vehemently controverts the aforesaid submission of learned counsel for the complainant and submits that recovery of all dowry articles has been effected from the petitioner.

7. 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*”.

8. In view of the above, the order dated 17.07.2023 granting interim bail to the petitioner is made **absolute**

9. Pending application(s) if any also stand(s) disposed of.

29.02.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No