

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

205

Criminal Misc. No. M-30030 of 2021

Date of decision :-12.02.2024

Vivek Kapoor

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Ishan Kaushal, AAG, Punjab.

Mr. Vineet Sharma, Advocate
for the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.43 dated 17.5.2021 (Annexure P-1), under Sections 406 and 498-A IPC, registered at Police Station Women, District Police Commissionerate Amritsar.

On 08.12.2022 co-ordinate Bench of this Court had passed the following order:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No.43 dated 17.05.2021 under Sections 406 and 498-A IPC registered at women Police Station, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 12.10.2018. The FIR has

been registered on the basis of false and vague allegations. The allegations with regard to administering drugs leading to abortion have been verified and found to be incorrect. The complainant had approached the police on 06.04.2020 to file a complaint and in the said complaint, there was no allegation with regard to the abortion. At the earlier instance, in terms of the order dated 30.07.2021, the arrest of the petitioner was stayed.

In the instant case, the mediation has been unsuccessful. Learned State counsel submits that the petitioner is yet to join investigation.

Adjourned to 21.04.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned State counsel, on instructions from ASI Avtar Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation but some recovery is yet to be effected from the petitioner.

Learned counsel for the petitioner submits that in pursuance to the order dated 08.12.2022 passed by co-ordinate Bench of this Court, the petitioner has joined the investigation. Hon’ble Supreme Court in ***Bimla Tiwari vs. State of Bihar and others***, passed in ***Special Leave Petition (Crl.) Nos.834-835 of 2023***, on 16.01.2023 held that matter of grant of bail, is not akin to money recovery proceedings.

In view of the above, the order dated 08.12.2022 granting interim bail to the petitioner 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 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, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 12, 2024

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No