



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-25463-2024

Date of Decision: 15.07.2024

Arshdeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Amitoj Singh, Advocate for
Mr. Aminder Singh, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. V.K. Bishnoi, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

Vakalatnama filed on behalf of the complainant is taken on record.

The petitioner has filed the present 1st petition under Section 438 Cr.P.C., seeking pre-arrest bail in case FIR No. 1 dated 21.01.2024 registered under Sections 406 and 498-A IPC at Police Station Women, District Patiala.

On 20.05.2024, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.1 dated 21.01.2024 (Annexure P-1), under Sections 406 and 498-A IPC, registered at Police Station Woman, District Patiala.

Learned counsel for the petitioner-husband, inter alia,



*submits that the petitioner was married to the complainant on 12.03.2023. It was the second marriage of the petitioner. Though it has been alleged in the FIR that this fact was not disclosed to the complainant, the same is untrue. It is submitted that the remaining allegations mentioned in the FIR to the effect that the petitioner gave beatings to the complainant; and that she was turned out of the matrimonial home are also false and fabricated; and even there is no medical record in support of the allegations contained in the FIR. Learned counsel submits that the first anticipatory bail has been rejected by the learned trial Court vide order dated 29.04.2024 (Annexure P-2) only on the ground that the recovery of dowry articles are yet to be effected from the petitioner. However, in this regard, learned counsel for the petitioner relies upon the judgment of the 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 wherein it is held that matter of grant of bail, is not akin to money recovery proceedings. Learned counsel for the petitioner accordingly prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and co-operate with the Investigating Agency.*

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to file the reply/status report in the matter.

Adjourned to 15.07.2024.

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 interim 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 as to the exact role of the petitioner alongwith the 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 aforesaid order, the petitioner has joined the investigation.

On instructions from ASI Lakhwinder Singh, 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 06.07.2024 and is co-operating with the investigating agency.

Learned counsel for respondent No. 2-complainant opposes the prayer for grant of anticipatory bail to the petitioner and submits that recovery of dowry articles 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 20.05.2024 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.

15.07.2024
rishu

(NIDHI GUPTA)
JUDGE

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