



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M-27346-2024

Date of Decision: 01.07.2024

Atul Mehta

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Mayur Karkra, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. Anupam Mathur, Advocate and
Mr. Shivam Sukheeja, Advocate
for the complainant.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 16 dated 12.03.2024 registered under Sections 406 and 498-A IPC at Police Station Women, Patiala (Annexure P-1).

On 28.05.2024, when this case was listed for hearing, following order was passed by 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.16 dated 12.03.2024 (Annexure P-1) under Sections 406 and 498-A IPC, registered at Police Station Women, Patiala.

Learned counsel for the petitioner, inter alia, submits that the petitioner was married to the complainant on 20.11.2020. It is the case of the petitioner that soon thereafter, due to matrimonial discord, the complainant left



the matrimonial home of her own accord; however, as per the case of the complainant, she has been living separately from the petitioner since August 2021. One child was born out of their wedlock, who is currently in the care and custody of the complainant. It is submitted by the petitioner that the present FIR is a counter-blast to the petition filed by the petitioner under Section 13 of the Hindu Marriage Act (Annexure P-7) on 23.08.2023, pursuant to which the complainant filed the present complaint on 10.10.2023, on the basis of which, the present FIR (Annexure P-1) has been registered on 12.03.2024. Learned counsel states that the complainant has previously also filed a complaint against the petitioner in the State of Haryana, in respect of which, the report dated 22.07.2022 is on record as Annexure P-5, whereby the said complaint was consigned on the statement of the complainant. However, the complainant subsequently filed another case against the petitioner and his family members under the D.V. Act, which is currently pending before the learned Family Court at Nabha. It is further submitted that the allegations mentioned in the FIR regarding beatings and demand of dowry, are all false and fabricated. It is stated that the petitioner has already paid maintenance of about Rs.1,00,000/- from the period from 27.04.2023 till February 2024, in respect of which, the receipt is on record as Annexure P-8. It is stated that intermittently the matter had been compromised between the parties, however, the complainant does not adhere to the terms of that compromise. Learned counsel for the petitioner 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 Mr. Anupam Mathur, Advocate with Mr. Shivam Sukheeja, Advocate accepts notice on behalf of complainant.

Learned counsel for the complainant opposes the prayer made on behalf of petitioner and submits that the dowry articles are still in the custody of the petitioner.

*In reply to the submissions of learned counsel for the complainant, learned counsel for the petitioner relies upon the judgment of 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 State counsel seeks time to file status report in the matter.

Adjourned to 01.07.2024.

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 order dated 28.05.2024 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions, submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 28.05.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will 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, liberty is granted to approach this Court for passing of appropriate orders.

The petition stands disposed of.

01.07.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No