

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M-30127-2023

Date of Decision: 05.02.2024

Satinder Jeet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Naresh Jain, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Ms. Gurnam Kaur Turka, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in case FIR No. 44 dated 30.05.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, District Patiala.

On 30.10.2023, a co-ordinate Bench of this Court had passed the following order:-

“Learned counsel for the parties have stated that mediation has failed.

Report of the Mediator has also been received wherein it has been stated that the parties could not arrive at an amicable settlement.

Learned counsel for the petitioner has contended that the petitioner is ready to return all the istridhan articles which are lying with him.

List on 12.01.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the even 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.”

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

On instructions from ASI Mandeep Kaur, learned counsel for the State assisted by learned counsel for the complainant submits that the matter pertains to matrimonial discord between the parties. He further submits that in terms of the order passed by this Court, reproduced above, though the petitioner has joined the investigation; and is co-operating with the investigating agency, but recovery of dowry articles is yet to be effected from him.

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

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*”.

In view of the above, the order dated 30.10.2023 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 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.

05.02.2024

rishu

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No