

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-29754-2024

Date of Decision: 22.08.2024

Gurvinder Kaur and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rishu Mahajan, Advocate for the petitioners.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. Vikas Gupta, Advocate for respondent No. 2.

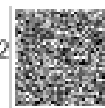
NIDHI GUPTA, J. (ORAL)

Vakalatnama filed on behalf of respondent No. 2-complainant is taken on record.

The petitioners who are parents-in-law of respondent No. 2-complainant, have filed the present 1st petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No. 16 dated 04.04.2024, under Sections 406, 498-A, 354-A and 506 IPC at Police Station NRI, Amritsar.

On 12.06.2024, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“Learned counsel for the petitioners inter-alia contends that the petitioners have been falsely implicated in the case on account of a matrimonial discord between the petitioners' son and the complainant-his wife; the petitioners have no other criminal antecedents; the allegations against both the petitioners with regard to demand of dowry and molestation are absolutely vague and unsubstantiated and that the petitioners also undertake to join and cooperate with the investigation.



Notice of motion.

Mr. Jastej Singh, DAG, Punjab, accepts notice on behalf of the respondent-State and prays for time to argue the matter.

Adjourned to 22.08.2024.

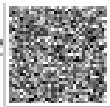
In the meanwhile subject to the petitioners' joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of their arrest in FIR No.16 dated 04.04.2024 registered under Sections 406, 498-A, 354-A and 506 IPC at Police Station NRI Amritsar, they shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer."

Learned counsel for the petitioners submits that in compliance of the aforesaid order, the petitioners have joined the investigation.

On instructions from L/SI Parvinder Kaur, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation on 10.08.2024. However, learned counsel for the State points out that the passport of respondent No. 2-complainant is still in the possession of the petitioners.

Learned counsel for the petitioners points out that in the impugned order dated 06.06.2024 (Annexure P-2) passed by the learned Additional District and Sessions Judge, Amritsar, whereby the bail application of petitioner No. 1-Gurvinder Kaur, was declined, it has been recorded in para No. 8 thereof (at page 36 of the paper-book) that '*....on 22.5.2024, accused-applicant produced the original passport of the complainant which was handed over to the complainant vide memo....*'.

Learned counsel for respondent No. 2-complainant vehemently opposes the prayer for grant of anticipatory bail to the



petitioners and submits that recovery of one *almirah* of the complainant lying with the petitioner is yet to be effected from them.

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 12.06.2024 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and co-operate with the investigating agency in case they are 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 petitioners are 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.

22.08.2024
rishu

(NIDHI GUPTA)
JUDGE

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