



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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1. CRM-M-35814-2023 (O&M)

Sayesh Grover Petitioner

Versus

State of Punjab Respondents

2. CRM-M-32299-2023 (O&M)

Suman Grover Petitioner

Versus

State of Punjab and another Respondents

Date of Decision: 19.07.2024

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gautam Dutt, Advocate
for the petitioner(s) (in both cases).

Ms. Guramrit Kaur, DAG, Punjab.

Ms. Sapna Seth, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

By this common order, two aforementioned petitions filed by the husband and mother-in-law, respectively, for grant of anticipatory bail are being disposed of, as both have arisen out of the one and the same FIR bearing FIR No.104 dated 15.06.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Mataur, District SAS Nagar. For brevity, the facts are being extracted from CRM-M-35814-2023.



On 21.08.2023 when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court in CRM-M-35814-2023:-

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.104 dated 15.06.2023 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Mataur, District SAS Nagar.

Learned senior counsel appearing on behalf of the petitioner has contended that the petitioner as well as the complainant are residents of Haryana and that after leaving the matrimonial home on 13.05.2022 the complainant is residing with her parents at Panchkula. However, the FIR has been lodged in Mohali and the same has not been transferred to Panchkula. Learned senior counsel would further contend that the petitioner herein apprehending danger to his life had filed a petition being CRWP-5950-2023, which was listed on 15.06.2023, seeking protection of his life and liberty since there was a recording of the father of the complainant where he could be heard threatening the petitioner herein. It is on the same day at about 09.45 pm that the present FIR was lodged. It has further been contended that the petitioner is willing to return all the dowry articles as stated in the FIR and further that he is willing to join the investigation and cooperate.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab. Ms. Sapna Seth, Advocate, accepts notice on behalf of the complainant.

Learned counsel for the complainant has contended that the complaint was filed on 11.05.2023, however, it is an admitted position that the complainant had left the matrimonial home on 13.05.2022. Learned counsel for the complainant has further contended that there are allegations also under Section 377 IPC in the present case. Further, there is another complaint qua forgery which has been filed against the petitioner. Learned counsel for the complainant has further contended that gold worth Rs.80 lakhs is still lying with the petitioner and that a Mercedes car, which has been returned, when the mother has joined the investigation pursuant to the order dated 07.07.2023 passed in CRM-M-32299-2023, is not in a drivable condition and has been badly damaged.

Learned senior counsel appearing on behalf of the petitioner has stated that the petitioner is willing to pay the value of the articles without getting into the controversy as



to which of the articles returned are in a damaged condition or not. In order to show his bonafides, the petitioner has also offered to buy the Mercedes Benz car at the value mentioned by the complainant i.e. Rs.45,32,987/-, which is the original value of the car.

List on 16.11.2023.

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

In order to show his bonafides, the petitioner is directed to deposit a demand draft of Rs.1 crore with the Registrar General of this Court which shall be invested in a FDR with some nationalized Bank.”

Thereafter, perusal of the order sheets reveals that the petitioner-husband has duly deposited the aforesaid amount of Rs.1 crore with the Registrar General of this Court, in compliance of the order dated 21.08.2023.

On 16.11.2023, when this case was listed for hearing, a co-ordinate Bench of this Court had directed that an amount of Rs.45,32,987/- be released to the complainant, out of Rs.1 crore lying deposited with the Registrar General of High Court, on her transferring the car in the name of the petitioner.

Learned counsel for the petitioner-husband (in CRM-M-35814-2023), submits that though the car has been transferred in the name of the petitioner-husband, however, the same has not yet been released, in view of the fact that the same was lying in the police station concerned as the same has not been got released by the petitioner on *Superdari*.

Similarly, the petitioner/mother-in-law (in CRM-M-32999-



2023) vide order dated 07.07.2023, passed by a co-ordinate Bench was also directed to join the investigation.

Learned counsel for the petitioner(s) in both cases that in compliance of the orders dated 21.08.2023 (in CRM-M-35814-2023) and order dated 07.07.2023 (in CRM-M-32999-2023), the petitioners have joined the investigation.

On instructions from ASI Dilbagh Singh, learned counsel for the State submits that in terms of the aforesaid separate orders, both the petitioners have joined the investigation on 08.02.2024 and are co-operating with the investigating agency.

However, learned counsel for the respondent No. 2/ complainant vehemently opposes the submissions of learned counsel for the petitioner(s) and submits that though the petitioners have joined the investigation, however, recovery of gold ornaments worth Rs.80,00,000/- is yet to be effected, as the same are still lying in the custody of the petitioners. It is submitted that petitioner-Suman Grover (in CRM-M-32299-2023)/mother-in-law of respondent No. 2/complainant after wearing those gold ornaments, posts the pictures on social media and can be seen dancing with a beer bottle on her head to celebrate the interim relief granted to her by this Court.

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 orders dated 21.08.2023 (in CRM-M-35814-2023) and 07.07.2023 (in CRM-M-32299-2023) granting interim bail to the petitioners, namely, Sayesh Grover/husband and Suman Grover/mother-in-law of respondent No. 2/complainant, respectively are 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 are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application(s) (in both cases), if any, shall also stand disposed of.

A photocopy of this order be placed on the file of other connected case i.e. CRM-M-32299-2023.

19.07.2024
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(NIDHI GUPTA)
JUDGE

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