

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

205

Criminal Misc. No. M-37922-2023

Date of decision :-27.02.2024

Manjul Khurana

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rahul Sharma, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab assisted by
ASI Gursewak Singh.

None for respondent No.2.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.0156 dated 27.6.2023 (Annexure P-1) under Sections 498-A, 406, 341, 323, 506, 34 IPC, registered at Police Station City Sunam, District Sangrur.

On 04.8.2023, co-ordinate Bench of this Court had passed the following order :-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0156 dated 27.06.2023 under Sections 498-A, 406, 341, 323, 506, 34 of the Indian Penal Code, 1860 registered at Police Station City Sunam, District Sangrur.

Learned counsel for the petitioner would contend that the petitioner is willing to settle the matter and is also

willing to return all the dowry articles. Learned counsel would further contend that all the injuries alleged to have been received by the complainant-respondent No.2 are simple in nature. Learned counsel has further referred to the compromise dated 29.05.2023 (Annexure P-2) wherein it was agreed before the Panchayat that the complainant-respondent No.2 and the petitioner would live together. Learned counsel for the petitioner states that the petitioner and the complainant-respondent No.2 thereafter started living together. However, subsequently she left the house and filed the present FIR.

Notice of motion.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab accepts notice on behalf of the State-respondent No.1.

Let notice be issued to respondent No.2 returnable 12.10.2023.

The petitioner, in order to show his bonafides, shall deposit a Demand Draft in the name of the Registrar General for an amount of Rs.7 Lakhs with the Registrar General of this Court on or before the next date of hearing, which would be invested in a FDR.

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.

To be heard with CRM-M-33959-2023.”

Learned State counsel, on instructions from ASI Gursewak Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation thrice and the last date of joining the investigation is 20.12.2023. He submits that

certain dowry articles are yet to be recovered from the petitioner.

However, the petitioner is cooperating in the investigation.

Learned counsel for the petitioner submits that in pursuance to the order dated 04.8.2023 passed by co-ordinate Bench of this Court, the petitioner has joined the investigation. 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 held that matter of grant of bail, is not akin to money recovery proceedings.

Learned counsel for respondent No.2 is unable to join the proceedings due to technical difficulty in the video conferencing.

In view of the above, the order dated 04.8.2023 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 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, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 27, 2024

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No