

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-38488-2023

Date of Decision: 20.02.2024

Deepak

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Varun Sharma, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in case FIR No. 40 dated 23.05.2023 registered under Sections 406 ad 498-A IPC at Police Station Women, Patiala, District Patiala.

On 03.11.2023, this Court had passed the following order:-

“Learned State counsel has submitted the Status-Report on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, PBI, Crime against Women and Children, District Patiala) in the Court today and the same is taken on the record.

However, learned counsel for the petitioner points out that though vide the order dated 07.08.2023, the Co-ordinate Bench had ordered for not taking any coercive steps against the petitioner but no direction had been given to him (petitioner) to join the investigation.

It being so, the petitioner, through his counsel, is directed to join the investigation on 15.11.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he

*shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.
Adjourned to 20.02.2024.”*

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

On instructions from ASI Narinder Kaur, learned counsel for the State states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 15.11.2023 and certain dowry articles have been recovered from him. The petitioner is co-operating with the investigating agency, and no further interrogation is required, at this stage.

However, learned counsel for respondent No. 2-complainant submits that the matter pertains to matrimonial discord between the parties. He further submits that though the petitioner has joined the investigation, however, still recovery of some more dowry articles, as also educational certificates of the respondent No. 2/complainant and one ATM Card are yet to be effected from him.

Learned counsel for the petitioner vehemently controverts the aforesaid submission of learned counsel for respondent No.2-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”, 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 03.11.2023 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.

20.02.2024
rishu

(NIDHI GUPTA)
JUDGE

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