



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-47558-2023

Date of Decision: 22.05.2024

Anmol Dang

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Saurav Kanojia, Advocate for
Mr. Lakshay Bector, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Bhavesh Aggarwal, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No. 125 dated 18.08.2023 registered under Sections 406 and 498-A IPC at Police Station Dakha, District Ludhiana.

On 21.09.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

- “1. Petitioner is seeking anticipatory bail in case bearing FIR No. 125 dated 18.08.2023 under Sections 406, 498-A IPC, registered at Police Station Dakha, District Ludhiana.*
- 2. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant/respondent No.2 on 29.11.2022. There is no allegation with regard to entrustment of any specific dowry articles. Moreover, the petitioner along with the complainant had been residing separate from other family members in a rented accommodation in Chandigarh as the petitioner is gainfully employed in Chandigarh. The petitioner had even purchased a laptop, mobile phone for the brother of the complainant and had also given Rs. 7,000/- to him. The petitioner is ready and willing to amicably settle the*



matrimonial dispute.

3. *Notice of motion.*

4. *Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State.*

5. *The petitioner and respondent No.2 are directed to appear before the Mediation and Conciliation Center of this Court on 05.10.2023. On appearance of respondent No.2 before the Mediator, the petitioner shall pay a sum of Rs. 30,000/- to facilitate her presence and participation in the mediation proceedings.*

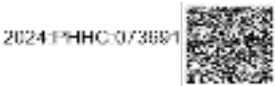
6. *Report of the Mediator be awaited for 11.12.2023.*

7. *Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C”*

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

On instructions from HC Gupreet Singh, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 08.10.2023 and is co-operating with the investigating agency. It is further submitted partial recovery has been effected from him, however, gold ornaments are still to be recovered from him.

Learned counsel for respondent No. 2-complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner and submits that vide order dated 21.09.2023 itself, the parties have been relegated to the Mediation and Conciliation Centre of this Court for an amicable resolution of the dispute between the parties. The petitioner despite being man of means had offered a sum of Rs.3,00,000/- only to the respondent-wife towards full and final settlement. However, it is admitted by learned counsel for respondent No. 2-complainant that



marriage of the petitioner with respondent No. 2 lasts only for 04 months as the parties are living separately since 26.03.2023; whereas the marriage was solemnized on 29.11.2022.

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 21.09.2023 granting interim bail to the petitioners 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.

22.05.2024
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(NIDHI GUPTA)
JUDGE

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