

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

**206**

CRM-M-56700-2022

Date of Decision: 20.02.2024

Nitin Maggu

.... Petitioner

Versus

State of Punjab

.... Respondent

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Chandeeep Singh, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. H.S. Sandhu, Advocate for the complainant.

**NIDHI GUPTA, J. (ORAL)**

The petitioner is seeking anticipatory bail in case FIR No. 0247 dated 24.09.2022 registered under Sections 323, 341, 506 read with Section 34 IPC (Sections 498-A and 406 IPC were added later on) at Police Station Division No. 6, Police Commissionerate, Ludhiana.

On 06.12.2022, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

*“The petitioner is seeking anticipatory bail in the case bearing FIR No.0247 dated 24.09.2022 under Sections 323/341/506/34 IPC (Section 498-A IPC added later on) registered at Police Station Division No. 6, Police Commissionerate, Ludhiana.*

*Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 11.03.2021. The FIR has been registered on*

*the basis of false and vague allegations. The parents of the petitioner have been granted anticipatory bail by the Court of Session. The petitioner has instituted a petition under Section 9 of Hindu Marriage Act for Restitution of Conjugal Rights. The petitioner is ready and willing to amicably settle the matrimonial dispute.*

*Notice of motion.*

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

*Mr. Harmanjeet Singh, Advocate, has appeared on behalf of the complainant and placed on record power of attorney. He has controverted the factual assertions as put forth by the learned counsel for the petitioner and has stated that within a period of 1½ years, the complainant has been given beatings on three occasions by the petitioner.*

*On a query, learned counsel for the complainant submits that he is not in possession of any MLR. However, he has specifically and categorically stated that the complainant does not intend to amicably settle the matrimonial dispute through mediation or otherwise.*

*Adjourned to 28.03.2023.*

*In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”*

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation. He further submits that in compliance of the order dated 28.03.2023, passed by a co-ordinate Bench of this Court, the petitioner has returned the detailed mark-sheet, educational qualification certificate, Aadhar Card

and Passport to the complainant.

On instructions from ASI Harcharan Singh, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner joined the investigation on 16.02.2023 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 complainant submits that the matter pertains to matrimonial discord between the parties. He further submits that though the petitioner has joined the investigation and has also returned the detailed mark-sheet, educational qualification certificate, Aadhar Card, Passport to the complainant, however, still recovery of some more dowry articles/gold ornaments, are yet to be effected from him.

Learned counsel for the petitioner vehemently controverts the aforesaid submission of learned counsel for the complainant and submits that recovery of all dowry articles has 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 06.12.2022 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**