

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

**CRM-M-37556 of 2013
Date of decision: May 07, 2015**

Mohan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. V.B. Aggarwal, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab assisted by
ASI Balraj Singh.

JASPAL SINGH, J.

This is a petition preferred under Section 438 of Code of Criminal Procedure by Mohan Singh, feeling apprehension of his arrest in case FIR No.62 dated 30.09.2013, under Sections 498-A, 406 of Indian Penal Code registered at Police Station Women Cell, Bathinda.

While issuing notice of motion vide order dated November 8, 2013, this Court has directed that in the event of arrest, petitioner is ordered to be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Officer subject to the conditions envisaged under Section 438(2) of Code of Criminal Procedure and on joining the investigation.

Now during the course of arguments, learned State counsel as well as learned counsel for the complainant Mr. Rajan Bansal, Advocate have agitated that though, petitioner had joined investigation but he did not fully cooperate with the Investigating

Agency, as a result whereof, gold ring and kara as well as a sum of Rs.5,00,000/- could not be recovered but this Court is aware of the fact that petitioner is on interim bail since November 8, 2013 and has already joined investigation number of times. This fact has also not been disputed by learned State counsel on instructions received from ASI Balraj Singh. The person is not required to be sent behind the bars just by way of punishment or for causing harassment.

During the pendency of this petition, efforts were also made to get the matter reconciled by sending the couple before Mediation and Conciliation Centre of this Court but it could not materialized. Since petitioner has already joined investigation and presentation of challan and disposal thereof is likely to take sufficient long time, this Court is of the considered view that a case is made out to exercise the discretion envisaged under Section 438 of the Code of Criminal Procedure.

Accordingly, petition is allowed and interim order dated November 8, 2013 is made absolute.

However, petitioner shall continue to abide by the conditions provided under Section 438 of the Code of Criminal Procedure and any other condition imposed by learned trial Court/Duty Magistrate while dealing with his application for bail. Any observation made in this order shall have no binding effect on the merits of the main case.

May 07, 2015
m. sharma

(JASPAL SINGH)
JUDGE