

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

CRM-M -132 of 2016 (O&M)

Date of decision: 21.10.2016

Buta Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Aulakh, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Surjit Singh.

Mr. Digvijay Nagpal, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.97 dated 21.11.2015, registered under Sections 452 and 506 of IPC, at Police Station Kabarwala, District Sri Muktsar Sahib.

On 07.01.2016, this Court had passed the following order:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.97 dated 21.11.2015, under Sections 452/506 IPC, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

Counsel would submit that it is a case of false implication and a fall out on account of a matrimonial

dispute. The complainant in the present case is none other than the father-in-law of the petitioner. It is further submitted that earlier also FIR No.85 dated 24.09.2015 under Section 420 IPC was registered at Police Station Kabarwala, District Sri Muktsar Sahib at the instance of the wife of the petitioner and pertaining to such FIR, interim protection as regards arrest has already been granted by this Court. It is argued that only to harass the petitioner, the second complaint has been filed by the father-in-law of the petitioner.

Notice of motion, returnable on 19.02.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

It is contended that in pursuance of the order dated 07.01.2016, the petitioner has joined the investigation

The learned State counsel, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 07.01.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

21.10.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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