

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.14571 of 2015(O&M)

Date of Decision:-09.02.2016

Surinder Pal.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vivek Salathia, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Bhagwant Singh.

Mr. Saurabh Arora, Advocate-Legal Aid Counsel
for the complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Surinder Pal in case FIR No.78 dated 11.04.2015 for offences punishable under Sections 454 and 380 of Indian Penal Code registered with Police Station Division No.8, Jalandhar.

While issuing notice of motion vide order dated 11.05.2015 this Court has noticed following contentions:-

“ *Counsel would submit that the complainant is the wife of the petitioner. Perusal of the FIR would reveal that a divorce petition already stands filed by the husband and on 11.04.2015, the present petitioner as per complainant's version*

has stolen the house hold articles from the residential premises at village Reru with an intention to forcibly evict the complainant, namely, Renu Bala from the matrimonial home.

Counsel would inter alia contend that the allegations are completely false and in this regard would refer to an application filed by the complainant on 20.01.2015 under the Protection of Women From Domestic Violence Act, 2005 at Annexure P-5 in which the complainant had herself stated that she had been living with her husband (present petitioner) at 1225, Fair Lane Colony, Fatehgarh Churian Road, Amritsar. Counsel has also referred to the application preferred by the complainant under Section 24 of the Hindu Marriage Act seeking maintenance pendente lite and in such application dated 01.12.2014, the complainant had categorically averred that she has been living in her parental house at Jalandhar since 18.04.2014. It has accordingly been argued that the allegations contained in the FIR are completely unfounded as the matrimonial home of the parties was never at village Reru.

Counsel further apprises the Court that an application under Section 438 Cr.PC was preferred by the petitioner before the Additional Sessions Judge at Jalandhar on 17.04.2015 and the same was posted for hearing on 18.04.2015 and has thereafter been adjourned to 07.05.2015 in the first instance and now to 14.05.2015. Counsel explains that it is under such circumstances that the petitioner has been constrained to approach this Court by filing the instant petition.

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Learned State Counsel assisted by ASI Bhagwant Singh submits that after thorough investigation a cancellation report has been prepared which is under the process of being approved. He further submits that custodial interrogation of the petitioner is no longer required.

In view of the above, interim protection/pre-arrest bail granted

vide order dated 11th of May, 2015 is made absolute.

Petition stands disposed of.

**(JASWANT SINGH)
JUDGE**

February 09, 2016
Vinay