

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

CRM-M -35541 of 2015 (O&M)
Date of decision: 21.10.2016

Boota 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.85 dated 24.09.2015, registered under Section 420 of IPC, at Police Station Kabarwala, District Sri Muktsar Sahib.

On 15.10.2015, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail in case FIR no.85 dated 24.9.2015 under Section 420 IPC, PS Kabarwala, Distt.Sri Muktsar Sahib.

As per allegations accused husband has tried to sell off the house owned by the complainant wife.

It is contended that both wife and husband are

residing in the same house and therefore, apart from that fact no offence is made out.

Notice of motion for 3.12.2015.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.

Parties i.e. husband and wife are directed to remain present in Court on the next date of hearing.”

Thereafter, on 15.03.2016, the following order was passed:-

“Pursuant to order dated 03.12.2015, the parties are present in Court.

It has been agreed that the petitioner who is residing as licensee with his wife in the house owned by his father-in-law at Village Kabrawala, Tehsil Malout, District Sri Muktsar Sahib, would withdraw his suit for injunction filed by him qua the said property. The petitioner has also undertaken not to do any overt or covert act which threatens the title of his father-in-law. The petitioner also undertakes to withdraw his application moved before the Electricity Department for installation of fresh meter in his name qua the said property. Lastly, the petitioner also assured the Court that he would not harass his wife in future.

Learned counsel for the petitioner prays for time to file an undertaking/affidavit of the petitioner with regard to above said effect.

Adjourned to 11.04.2016.”

It is contended that in pursuance of the order dated 15.10.2015, 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 15.10.2015, 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

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable: Yes No