

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

CRM-M -14953 of 2016 (O&M)

Date of decision: 14.07.2017

Rohit Wadhwa

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Anand Chibber, Sr. Advocate with
Mr. Aditya Nayyar, Advocate for the petitioner(s).

Mr. N.K. Banka, DAG, Punjab
assisted by ASI Jagdev S. Sidhu.

Mr. Ashok Jindal, Advocate for respondent No.2.

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.09 dated 09.03.2016, registered under Sections 406 and 498-A of IPC, at Police Station Women Cell Bathinda, District Bathinda.

On 03.05.2016, this Court had passed the following order:-

“Learned counsel for the petitioner submits that the marriage between the petitioner and complainant was solemnized on 20.04.2014 and the dispute between them arose due to temperamental differences. The allegations are fabricated and no such incident has ever occurred. Learned counsel further submits that in the FIR, allegation of demand of Vento Car is there whereas the petitioner himself has purchased that car on

18.07.2015. The petitioner is also having a daughter, who is one year old and keeping in view her interest, he is ready to settle the dispute with the complainant. Learned counsel also submits that just to show the bonafide, the petitioner is ready to deposit some reasonable amount in the name of his daughter.

On oral request of learned counsel for the petitioner, complainant-Shweta Goyal D/o Sh. Naresh Goyal, resident of Gali No.1-B, Aggarwal Colony, Bathinda is impleaded as respondent No.2.

Notice of motion for 03.08.2016.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer subject to deposit of an amount of Rs.5 lacs by way of FDR in the name of minor daughter with the Registrar of this Court within a period of 10 days from the date of receipt of certified copy of this order. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioner shall not leave India without the prior permission of the Court.

Parties are directed to be present in the Court on the next date of hearing.”

It is contended that in pursuance of the order dated 03.05.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that though the petitioner has joined the investigation, however, certain recovery of jewellery and other articles are yet to be effected.

Keeping in view the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide

order dated 03.05.2016, 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.

14.07.2017

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(JITENDRA CHAUHAN)
JUDGE

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