

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

CRM-M-18130-2017 (O&M)

Date of decision : 07.11.2017

Satbir Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Chopra, Advocate for the petitioner.

Ms. Gulnoor Ghuman, AAG, Punjab,
assisted by ASI Gurdev Singh.

Mr. Sandeep Arora, Advocate for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in FIR No.54 dated 30.03.2017, registered under Sections 406, 498-A, 323, 324 and 120-B of the Indian Penal Code, at P.S. Division No.1, Jalandhar.

Heard.

On 22.05.2017, the following order was passed:-

“The marriage of the petitioner was solemnized with the complainant on 24.01.2007. Out of this wedlock, two children were born who are presently residing with the petitioner. A divorce petition has been filed by the petitioner and thereafter, present FIR has been registered.

Notice of motion for 03.08.2017.

On the oral request of learned counsel for the petitioner, complainant-Raj Kumari D/o Ram Krishan W/o Satbir, presently R/o House No.B-1-938, Ram Nagar, Jalandhar, is impleaded as respondent No.2. Registry is

directed to make necessary correction in the memo of parties.

Notice be issued to newly added respondent No.2 on depositing of Rs.30,000/- towards litigation expenses by the petitioner before the next date of hearing with the Registry of this Court which is to be paid to respondent No.2.

In the meantime, the petitioner is directed to join investigation and appear before the investigating officer. In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, the petitioner shall join investigation as and when called upon to do so and shall remain bound by the following conditions enumerated under Section 438(2) Cr.P.C.

- 1. Petitioner shall make himself available for interrogation by a police officer as and when required;*
- 2. 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;*
- 3. Petitioner shall not leave India without the previous permission of the Court;*
- 4. Such other condition as may be imposed under subsection (3) of section 437, as if the bail were granted under that section.”*

Learned counsel for the petitioner contends that the marriage was solemnized on 24.01.2007. Nothing is to be recovered from the petitioner. It was a simple marriage. He has repeatedly joined the investigation.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation twice, however, recovery of the gold articles is yet to be

effected.

Learned counsel for respondent No.2 has vehemently opposed the prayer made in the instant petition.

Considering 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 22.05.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

07.11.2017
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(JITENDRA CHAUHAN)
JUDGE

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