

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

CRM-M-21716-2016

Date of decision: 13.9.2017

Jasvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Amandeep Chhabra, Advocate for the petitioner

Mr.AS Gill, Sr.DAG, Punjab
assisted by ASI Bhola Singh

Mr.SS Bhinder, Advocate for the complainant

JITENDRA CHAUHAN, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case First Information Report No.24 dated 4.6.2016 registered under Sections 406 & 498A of the Indian Penal Code at Police Station Women Cell Bathinda, District Bathinda.

On 11.7.2016, the following order was passed by this
Court:-

“Subject to deposit of Rs.20,000/- as litigation expenses by the petitioner, notice of motion be issued to the respondents, returnable for 19.08.2016 to enable the parties to reach to an amicable settlement, if possible.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438 (2) Cr.P.C :-

- i. a condition that the person shall make himself available for interrogation by Police Officer as and when required;
- ii. a condition that the person 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. a condition that the person shall not leave India without the previous permission of the Court
- iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.”

Learned counsel for the petitioner submits that the petitioner has joined the investigation and also has been regularly paying the maintenance to the complainant and undertakes to continue the same.

On the other hand, learned State counsel informs that recovery of the dowry articles has so far not been effected.

Learned counsel for the complainant submits that the petitioner is not paying anything towards the maintenance of the children.

Heard.

Keeping in view the peculiar facts and circumstances of the case and the fact that the petitioner has joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted to the petitioner by this Court vide order dated 11.7.2016, is made absolute, subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

However, if the petitioner does not comply with the undertaking given by him, the complainant shall be at liberty to revive the petition.

13.9.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No