

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

CRM-M-2780-2017 (O&M)
Date of Decision: 14.09.2017.

Irven Luthra @ Lucky

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Parteek Pandit, Advocate,
for the petitioner.

Mr. AS Gill, Sr. DAG Punjab
assisted by HC Parkash Singh.

None for respondent No.2.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 438
the Cr.P.C seeking anticipatory bail in case FIR No.137 dated
13.10.2016 registered under Sections 406 and 498-A IPC at Police
Station City Batala.

On 03.02.2017 this Court had passed the following
order:-

“Learned counsel for the petitioner states that for the sake of future
of minor child of petitioner and respondent No.2, an attempt can be
made for an amicable settlement between the parties

Subject to deposit of Rs.25,000/- with the Registry of this Court as
litigation expenses to be paid to the complainant, notice of motion
be issued for 22.03.2017.

Respondent No.2 is directed to be present in Court on the next date

of hearing.

Meanwhile, the 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 following conditions, as envisaged under Section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police 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 them from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner 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.”

It is contended that in pursuance of the order dated 03.02.2017, the petitioner has joined the investigation and has caused representation a number of times. Thereafter, the entire dowry articles have been returned.

Despite service, repeatedly none has caused representation on behalf of respondent No.2.

Learned State counsel, on instructions, states that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of above, the order dated 03.02.2017 passed by this Court is made absolute, subject to furnishing of bail-

bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

Since none has caused representation on behalf of respondent No.2 despite service, the litigation expenses deposited by the petitioner with the Registry of this Court be returned to him on making an application in this regard.

14.09.2017.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No