

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

CRM-M-37639-2016 (O&M)

Date of decision : 07.12.2017

Avtar Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Suvir Kumar, Advocate for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab,
assisted by HC Sukhdev Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in FIR No.97 dated 05.09.2016, registered under Section 498-A of the Indian Penal Code, at Police Station Women Cell, District Ludhiana.

Heard.

On 21.10.2016, the following order was passed:-

“The marriage of the petitioner was solemnized with the complainant in the year 2010. Thereafter, a divorce petition was filed, which was eventually withdrawn on 16.07.2015 (P-2). A complaint was made which was also withdrawn and thus, no allegation of Section 406 IPC is made out against the present petitioner.

On oral request of learned counsel for the petitioner, complainant Tarwinder Kaur w/o Avtar Singh, H. No. 2446 Near Lota Kanda, Surjit Cinema Road, Dandari Kalan, Ludhiana is impleaded as respondent No. 2.

Subject to deposit of Rs.25,000/- as litigation expenses, notice of motion be issued to the respondents,

returnable for 21.02.2017.

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 contends that the litigation expenses in terms of order dated 21.02.2017, have been paid to the complainant. The petitioner has repeatedly joined the investigation. No recovery is to be effected from him. The parties have entered into compromise and in pursuance thereof, petition under Section 13-B of the Hindu Marriage Act, has already been filed before the competent Court at Ludhiana.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, 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

21.10.2016, 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.

07.12.2017
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(JITENDRA CHAUHAN)
JUDGE

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