

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

CRM-M-38438-2016 (O&M)

Date of decision : 18.12.2017

Dr. Nitin Sethi

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jagjot Singh Lalli, Advocate,
for the petitioner.

Ms. Gulnoor Ghumman, AAG, Punjab,
assisted by ASI Hardev Singh.

Mr. S.S. Pathania, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in FIR No.85 dated 04.08.2016, registered under Sections 406, 498-A and 420 of the Indian Penal Code, at Women Police Station, Ludhiana.

Heard.

On 26.10.2016, the following order was passed:-

“Learned counsel contends that the present matter can be amicably settled between the parties, as the marriage between the petitioner and the complainant was solemnized on 14.09.2005 and due to temperamental differences, the party stayed together for a period of about 2½ years. There was no complaint against the petitioner from the date of marriage till April 2011. The present F.I.R has been registered against the petitioner after filing of the divorce petition by the petitioner.

Subject to deposit of Rs.30,000/- before the Registry of this Court towards litigation expenses, notice of motion be issued to the respondents, returnable for 08.02.2017.

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 for the petitioner contends that the petitioner has repeatedly joined the investigation. In pursuance of order dated 14.11.2017, all the arrears at the rate of ₹40,000/- per month have been cleared.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, though the petitioner has joined the investigation but he is operating as many as 29 bank accounts.

Considering the facts that the petitioner has cleared all the arrears and 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 26.10.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner shall also surrender his passport with the trial Court and shall not leave this country without prior permission of this Court.

The petition stands allowed.

18.12.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

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