

CRM-M-44341-2016

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

CRM-M-44341-2016

Date of Decision: 01.02.2017

Sukhdev Nagpal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rajesh Kumar Girdhar, Advocate,
for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

Mr. I.S.Chawla, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner-Sukhdev Nagpal has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.100 dated 06.10.2016, registered at Police Station City Fazilka, under Section 406 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and the complainant also appeared through her counsel. They contested this petition.

I have heard learned counsel for the petitioner; learned State counsel as well as learned counsel for the complainant and have gone through the record.

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From the record, I find that complainant is the second wife of petitioner. As per the case of prosecution, the petitioner has transferred the property to his sons from his first wife. The complainant also alleged in the FIR that she brought half of money from her father for purchasing the house and some share of the house was purchased in her name and some in the name of Deepak, son of petitioner from his first wife.

In pursuance of the order dated 13.12.2016 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. Therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 13.12.2016, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

01.02.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No