

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

CRM-M -44814 of 2016 (O&M)
Date of decision: 16.08.2017

Karnail Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Manoj Kumar, Advocate for the petitioner(s).

Mr. A.S. Gill, Sr. DAG, Punjab.
assisted by HC Gurdev Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.261 dated 02.11.2015, registered under Sections 323, 452, 498-A and 506 of IPC, at Police Station Zirakpur, District SAS Nagar.

On 13.01.2017, this Court had passed the following order:-

“Marriage of the petitioner was solemnized with complainant-Kulwinder Kaur on 01.10.2014. As per allegations in the FIR, he is a drug addict and had been got admitted in De-addict Centre. Ultimately, on account of harassment, the present FIR has been got registered by the complainant.

Learned counsel for the petitioner, on instructions from Hardial Singh (father of the petitioner), has informed that the

petitioner is ready for an amicable settlement, if the matter is referred to the Mediation and Conciliation Centre of this Court.

On a specific query, Hardial Singh has informed that he is not a drug addict and has retired from the Indian Army as Lance Naik. His wife is residing happily with him. Being a parent, he is directed to settle the dispute amicably.

On an oral request of learned counsel for the petitioner, complainant-Kulwinder Kaur is impleaded as respondent No.2 in this petition.

Subject to deposit of Rs.25,000/- as litigation expenses with the Registry of this Court, notice of motion be issued for 30.03.2017.

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 13.01.2017, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that 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 13.01.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

16.08.2017

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(JITENDRA CHAUHAN)
JUDGE

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