

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

CRM-M-45303-2016

Date of decision: 13.9.2017

Kamaljit Singh Kharaud

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mrs.Harpreet Kaur Dhillon, Advocate for the petitioner

Mr.AS Gill, Sr.DAG, Punjab
assisted by SI Baldev Singh

Complainant present in person alongwith
Mr.LM Gulati, Advocate

JITENDRA CHAUHAN, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case First Information Report No.133 dated 29.9.2016 registered under Sections 323, 376, 506 of the Indian Penal Code (Section 328 IPC added later on) at Police Station Sadar Patiala, District Patiala.

On 19.12.2016, Coordinate Bench had passed the following order:-

“The instant petition has been filed under
Section 438 Cr.P.C. for grant of anticipatory bail to

the petitioner in case FIR No. 133 dated 29.09.2016, under Sections 323, 376 & 506 IPC registered at Police Station Sadar Patiala, District Patiala.

Learned counsel for the petitioner contends that the complainant herein has lodged the instant FIR in an attempt to coerce the petitioner to get married to her and in fact willingly associated with him for the past several years. It is also argued that the complainant was admitted on 29.09.2016 for a fracture occurred on account of having met with an accident and not on account of any beatings or fist blows that are mentioned in the FIR. It is argued that all incriminating evidence as photographs etc. will be handed over to the Investigating Officer at the first instance.

Notice of motion for 14.03.2017.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner submits that the petitioner

has joined the investigation and nothing is to be recovered from him.

Learned counsel for the complainant submits that there is apprehension of threat to her life and liberty.

At this stage, learned counsel for the petitioner undertakes that the petitioner shall neither try to contact her or visit her house or in the area in the vicinity of the house.

Learned State counsel has filed status report by way of affidavit of Deputy Superintendent of Police, (Rural) Patiala on behalf of respondent No.1, which is taken on record. He further submits that the petitioner has joined the investigation and is not required for further custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted to the petitioner by this Court vide order dated 19.12.2016, is made absolute, subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

13.9.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No