

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

CRM-M-5386-2016

Date of decision: 1.9.2017

Joginder Pal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.GS Sirphikhi, Advocate for the petitioner

Mr.AS Gill, Sr.DAG, Punjab
assisted by ASI Balwinder Singh

JITENDRA CHAUHAN, J.

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in First Information Report No.201 dated 22.12.2015, registered under Sections 406 and 498-A of the Indian Penal Code, at Police Station Civil Lines, Batala (Gurdaspur)

On 15.2.2016, the coordinate Bench had passed the following order:-

“Learned counsel for the petitioner submits that only on asking of the complainant, a separate accommodation was provided to her and she was residing separately. False allegations were levelled against the petitioner and his other family members. However, the allegations qua mother-in-law, father-in-law and brother-in-law of respondent No.2

were found to be false during investigation. Even as per case of the complainant, a *panchayat* was convened and subsequently, the petitioner has also filed a petition under Section 9 of the Hindu Marriage Act, which is still pending. Petitioner is ready to settle/compromise the dispute with the complainant.

Notice of motion for 05.05.2016.

Meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer subject to his depositing an amount of ₹ 25,000/- as litigation expenses by way of draft in favour of the complainant-respondent No.2, which shall further be handed over to her. He shall join the investigation as and when required by the Arresting Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

- (i) that the petitioner shall make himself available for interrogation before arresting 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 him from disclosing such facts to the court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.

Parties are directed to be present in the Court on the next date of hearing.”

It is contended that in pursuance of the order dated 15.2.2016, 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 15.2.2016, 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.

1.9.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No