

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

CRM-M-6988-2016

Date of decision: 16.8.2017

Balvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Gourav Verma, Advocate for the petitioner

Mr.AS Gill, Sr.DAG, Punjab assisted by
Mr.ASI Purshotam Ram

Mr.Mohd.Yousaf, Advocate for the complainant

JITENDRA CHAUHAN, J.

The present petition under Section 438 of the Code of Criminal Procedure is for granting anticipatory bail to the petitioner in case First Information Report No.216 dated 24.12.2015 registered under Sections 498-A, 406, 120-B of the Indian Penal Code at Police Station Chhajali, District Sangrur.

On 26.2.2016, while issuing notice of motion, interim relief was granted to the petitioner in the same terms as granted in CRM-M-6975-2016, which is as under:-

“Learned counsel for the petitioner submits that all the allegations have been levelled against the husband of the complainant, who has already been arrested. It has been alleged by the complainant in the FIR that

her husband, who is a drug addict, is involved in some other activities as well and he even used to beat her. It was only the mother-in-law, who persuaded the complainant to come back to matrimonial home. The bail petition filed by the petitioner has been declined only on the ground that some of the recovery has not been effected. The petitioner is ready to join investigation and to return the dowry articles, if any.

Notice of motion for 11.05.2016.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, she shall be released on interim bail to the satisfaction of the Investigating Officer. She shall join the investigation as and when required by the Investigating Officer. She 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 herself available for interrogation before investigating 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.”

The petitioner is the paternal uncle of the husband of the complainant and maintaining a separate household and nothing to do with the matrimonial dispute of the parties. Husband of the complainant has already been allowed regular bail by learned trial Court.

On the other hand, learned counsel for the complainant opposes the prayer of the petitioner. He submits that there are specific allegation of harassment against the petitioner.

Though, learned State counsel admits the factum that the petitioner repeatedly joined the investigation.

The husband of the complainant has already been allowed regular bail by learned trial Court. The petitioner is the paternal uncle of the husband of the complainant. It is asserted that the dispute is on account of temperamental differences between the husband and wife.

In view of the above, the present petition is allowed. The order dated 26.2.2016, vide which the petitioner was granted interim anticipatory bail is made absolute subject to his furnishing bail/ surety bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned.

16.8.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No