

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

CRM-M -5218 of 2017 (O&M)

Date of decision: 25.07.2017

Fateh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Payel Mehta, Advocate for the petitioner(s).

Mr. A.S. Gill, Sr. DAG, Punjab
assisted by ASI Gurbachan Singh.

Ms. Ruchi Sekhri, Advocate
for the complainant.

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.07 dated 10.01.2017, registered under Section 498-A of IPC, at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

On 17.02.2017, this Court had passed the following order:-

“The marriage between the petitioner and Gurdeep Kaur daughter of Sukhdev Singh was solemnized on 31.01.2010 and out of this wedlock, a baby girl namely Ekampreet Kaur was born on 15.02.2011. The first wife of the petitioner passed away on 17.08.2012 and hence, the

marriage between the petitioner and complainant who is real sister of his earlier wife took place on 31.08.2012. Thereafter, on account of quarrels with all his family members, FIR was registered against the petitioner and his family members. The petitioner had been continuously approaching the complainant and their relatives so that they could hand over the custody of minor daughter to him but they refused the same. A Habeas Corpus petition i.e. CRWP No.45 of 2017 was filed by the petitioner seeking production of his minor daughter which is pending consideration before the High Court on 21.02.2017.

Notice of motion for 21.02.2017.

To be heard alongwith CRWP No.45 of 2017.

In the meantime, the petitioner is directed to join investigation and appear before the investigating officer. In the event of arrest, the petitioner be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, the petitioner shall join investigation as and when called upon to do so and shall remain bound by the following conditions enumerated under Section 438(2) Cr.P.C.

- 1. Petitioner shall make himself available for interrogation by a police officer as and when required;*
- 2. 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;*
- 3. Petitioner shall not leave India without the previous permission of the Court;*
- 4. Such other condition as may be imposed under subsection (3) of section 437, as if the bail were granted under that section.”*

It is contended that in pursuance of the order dated 17.02.2017, 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 17.02.2017, 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.

25.07.2017

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(JITENDRA CHAUHAN)
JUDGE

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