

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

CRM No. M-14360 of 2020
Date of decision : 06.07.2020

Mangal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

None for respondent No. 2-complainant.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the
light of the pandemic COVID-19 situation and as per instructions.

The petitioner seeks pre-arrest bail in case FIR No. 14 dated
12.03.2020 registered under Sections 498-A, 406 of Indian Penal Code at
Police Station Fatehgarh Churian, Police District Batala, District
Gurdaspur.

Heard.

On 09.06.2020, this Court had passed the following order:-

Case has been taken up for hearing through Video Conferencing.

CRM-12639-2020

Allowed, as prayed for.

Main Case

arrest bail to petitioner in case FIR No.14 dated 12.03.2020 under Sections 406 and 498-A IPC, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner inter alia contends that complainant-wife was never subjected to cruelty at the instance of petitioner. He further urges that allegations levelled in the FIR are quite general in nature. He further urges that as a matter of fact complainant-wife used to pressurize petitioner-husband to take his share in the properties from his father and then to settle at Amritsar. He further urges that complainantwife had already withdrawn herself from the company of petitioner-husband and, thus, petitioner was constrained to file petition under Section 9 of Hindu Marriage Act seeking restitution of conjugal rights. He further urges that though petitioner has no nexus whatsoever with the allegations as levelled in the FIR, even then he is ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Ms. Rashmi Attri, AAG, Punjab, accepts notice on behalf of respondent No.1-State and seeks time to file detailed reply. Complete copy of paper book be supplied to her during the course of the day.

At this stage, Mr. Karanjit Singh, Advocate has also appeared on behalf of respondent No.2-complainant.

Learned counsel for respondent No.2/complainant-wife submits that efforts were made at the instance of respondent No.2-complainant to dissolve the marriage wherein petitioner-husband had agreed to pay her a sum of Rs.7,50,000/- as permanent alimony but lateron did not abide by the said agreement.

Adjourned to 06.07.2020.

Meanwhile, in the eventuality of arrest of petitioner in the

instant case FIR, he shall be enlarged on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting Officer/ Investigating Officer. Petitioner shall join investigation as and when called upon to do so by Investigating Agency. Petitioner shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit. However, petitioner has been given liberty to defer the furnishing of surety bond due to COVID-19 but he is directed to furnish the surety bond on culmination of nationwide lockdown due to COVID-19.

Learned counsel for the petitioner informs that in pursuance to the order dated 09.06.2020, the petitioner has joined the investigation.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation. However, recovery of articles has not been made.

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 09.06.2020, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

06.07.2020
 jyoti-II

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No