

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

Criminal Misc.-M No.16660 of 2020

Date of Decision: October 07, 2020

Himanshu Bhardwaj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. N.K.Banka, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.185 dated 03.06.2020, under Section 498-A IPC and Section 406 IPC (added later on), registered at Police Station, City Kapurthala, District Kapurthala. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 26.06.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petition for dissolution of marriage was filed by the petitioner and as a counter-blast, the present FIR has been lodged by the complainant. According to him, the marriage between the parties was solemnized on 18.04.2018 and the couple has been blessed with a child. According to him, there is a ray of hope of

settlement between the parties and therefore, the custodial interrogation of the petitioner may not be necessary in view of judgment passed by the Hon'ble Supreme Court in “Arnesh Kumar Vs. State of Bihar and another”, 2014 (3) R.C.R (Criminal) 527.

Notice of motion for 07.10.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from SI Varinder Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 26.06.2020 is made absolute.

October 07, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No