

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-29957-2019 (O&M)

Date of Decision: February 14, 2020

Kuldeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jagbir Singh Brar, Advocate
for the petitioner.

Mr. Davinder Bir Singh, D.A.G., Punjab

Mr. Arvinder Singh, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in the event of arrest in FIR No. 138 dated 12.06.2019 under Section 498-A, 406 Indian Penal Code, registered at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that on the direction of this Court, the petitioner has already joined the investigation. It is also contended that nothing is to be recovered from him.

Per contra, learned counsel for the complainant would submit that the petitioner herein is a defaulter insofar as the payment that has to be made in the proceedings initiated under Section 125 Cr.P.C.

Learned counsel appearing on behalf of respondent-State, on

instructions from the Investigating Officer submits that the petitioner has joined the investigation and he is no more required for any custodial interrogation.

I have heard learned counsel for the parties.

There is plethora of judgments to the effect that bail should not be denied only on account of the fact the recoveries have not been made.

So far as the submission made by learned counsel for the complainant that the petitioner has not paid the amount as directed under the proceedings initiated under Section 125 Cr.P.C. is concerned, this Court is of the opinion that in that regard, the complainant should avail of any remedy under Section 125 Cr.P.C. only and file for execution of the same there only.

In view of the fact that the petitioner is not required for custodial interrogation and has joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 22.08.2019 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i) (ii) and (iii) of the Code of Criminal Procedure.

February 14, 2020

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No