

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23440-2021 (O&M)
Date of Decision:-24.11.2021

Rajwinder Pal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Avtar Singh Bhatti, Advocate for
Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Surjan Singh.

Ms. Deepa Negi, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.55 dated 29.5.2021 at Police Station Dhariwal, District Gurdaspur under Sections 493, 420, 509, 323 and 506 of Indian Penal Code.
2. At the time of issuance of notice of motion on 18.6.2021, the following order was passed:

“This petition under Section 438 CrPC has been filed by petitioner-Rajwinder Pal Singh, inter alia, praying for grant of anticipatory bail in case FIR No.55 dated 29.05.2021 under

Sections 493/420/509/323/506 IPC registered at PS Dhariwal, District Gurdaspur.

Learned counsel submits that the complainant Gurdip Kaur was earlier married to late Sh. Sukhjinder Pal Singh (elder brother of the petitioner), who expired on 01.08.2005. Out of the said wedlock, 2 daughters were born. Thereafter, the petitioner married the complainant on 30.07.2007. However, he submits that the allegations are not trustworthy as the petitioner has also been supporting the family.

Notice of motion.

On the asking, Mr. MS Nagra, AAG Punjab accepts notice on behalf of the State and Mr. Loveleen Nanda, Advocate accepts notice on behalf of the complainant, through video conferencing.

Learned counsel for the complainant submits that there are serious allegations in the FIR as the petitioner as of now has turned indifferent towards the complainant and the two daughters.

Faced with this, learned counsel for the petitioner submits that in order to show his bona fide, the petitioner would get two FDRs made of Rs.2.5 lakhs each in the name of his two daughters and deposit the same with the Investigating Officer and would not encash the same till the final decision in the case and shall abide by the final order to be passed by the trial Court.

Counsel for the petitioner submits that the petitioner is ready to join the investigation. He submits that because of COVID situation also, retention of the petitioner behind the bars would be dangerous to his life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer.

List on 08.09.2021.

Reply, if any, be filed meanwhile.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) CrPC.

In pursuance to the offer made by his counsel, the petitioner is directed to get two FDRs made in the name of his two daughters in the sum of Rs.2.5 lakhs each within 10 days and deposit the same with the Investigating Officer with an undertaking that he shall not encash the same till the final decision in the case. This shall be in addition to other bail bonds/surety that the Investigating Officer may require.

It is further directed that the aforementioned FDRs shall remain in the name of the minor children till they become major and shall be utilized only for the benefit of the minor children.”

3. Subsequently, the aforesaid directions regarding payment of ₹2.5 lakhs to each of the two children of the complainant was modified vide order dated 31.8.2021 and it was ordered that the petitioner shall deposit an amount of ₹1 lakh in favour of each of the two children of the complainant.
4. Learned counsel for the petitioner has today produced two FDRs regarding investment of an amount of ₹1 lakhs in each of the said FDRs in UCO Bank. One of the FDR is in favour of Navdeep Kaur and the other is in favour of Sukhdeep Kaur i.e. daughters of the complainant. The said FDRs in original are handed over to Ms. Deepa Negi, learned counsel representing the complainant. Photocopies of the said FDRs are being retained on the file.

5. The complainant is, however, directed to ensure that the aforesaid FDRs are not got encashed by Navdeep Kaur and Sukhdeep Kaur, till they attain the age of majority. The Manager of the bank concerned is also directed to ensure that no such request for encashment of the aforesaid FDRs is entertained till Navdeep Kaur and Sukhdeep Kaur attain the age of majority.
6. The learned State counsel has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation.
7. I have considered the aforesaid submissions.
8. The matter basically arises out of some kind of matrimonial discord. The petitioner as per his assurance has already deposited the amount of ₹1 lakh each in favour of the two children of the complainant. As the petitioner has joined investigation and is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 18.6.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.
9. At this stage, learned counsel for the complainant has submitted that the testimonials/certificates and other documents in respect of her educational qualifications have been retained by the petitioner.
10. Learned counsel for the petitioner has, however, expressed that his client would not have any objection for handing over the testimonials/certificates and other documents in respect of educational qualification of the complainant to the Investigating Officer.

11. In view of the aforestated assurance, the petitioner is directed to hand over the aforesaid documents to the Investigating Officer within a period of 10 days from today. The Investigating Officer shall further hand over the said documents to the complainant immediately thereafter.

24.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No