

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

289

CRM-M-1411-2022
Decided on :12.07.2022

Deepak Saini

. . . Petitioner

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 147 dated 03.12.2021 registered under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Women, District Police Commissionerate Ludhiana.

On 17.02.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“CRM-5475-2022

Prayer made in the application is for placing on record the affidavit dated 18.01.2022 of the petitioner.

For the reasons given in the application, it is allowed.

Affidavit dated 18.01.2022 of the petitioner is taken on record.

CRM-M-1411-2022

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0147 dated 03.12.2021, registered for offences under Sections 406 and 498-A of the

Indian Penal Code, 1860, at Police Station Women, District Police Commissionerate Ludhiana. (Annexure P-1).

Counsel for the petitioner contends that marriage of the petitioner was solemnized with the complainant on 22.04.2019 and a son was born out of the wedlock. He submits that the allegation of entrustment of Rs.8,00,000/- is false as the amount was repayment of loan advanced by the father of the petitioner to the father of the complainant and the transactions took place much prior to the marriage. He contends that the FIR (Annexure P-1) has been registered as a counter-blast to the petition (Annexure P-3) for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 instituted by the petitioner. He submits that the petitioner is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab accepts notice on behalf of the State-respondent No.1.

List on 12.07.2022.

Respondent No.2 be served for the date fixed.

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

On causing of appearance by the complainant-respondent No.2 before this Court, the petitioner will pay a sum of Rs.55,000/- to her as litigation and travelling expenses.

17.02.2022

*Sd/-
(SUVIR SEHGAL)
JUDGE”*

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has got a demand draft to the tune of Rs.55,000/- in the name of respondent No. 2 and has handed over the same to respondent No. 2, who is present in the Court. It is further submitted that the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Jagjit Singh, has submitted that the petitioner has joined the investigation on 08.03.2022 and is not required for any further custodial interrogation. ASI Jagjit Singh, who is the Investigating Officer in the present case, has identified the respondent No. 2, present in the Court and respondent No. 2 has stated that she has received the demand draft for an amount of Rs.55,000/- through the counsel for the petitioner.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 17.02.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 17.02.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

July 12th,2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No