

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102+215

CRM-M-3275 of 2022 (O&M)

Date of decision:19.07.2022

Sharanjit Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mohinder Kumar, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Bikramjit Singh Bajwa, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 11.02.2022, this Court passed the following order in the
main case:-

*“Instant petition has been filed under Section 438 of the
Code of Criminal Procedure, 1973 for grant of anticipatory
bail in FIR No.0117 dated 31.12.2021, registered for offence
under Section 498-A of the Indian Penal Code, 1860, at Police
Station Rangar Nangal, Police District Batala, District
Gurdaspur, Punjab (Annexure P-1).*

Counsel for the petitioner submits that the allegations

levelled in the FIR (Annexure P-1) against the petitioner and his family members are vague and during the investigation, it has been found that the family members of the petitioner are innocent. He submits that the petitioner has filed petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights (Annexure P-2) and is ready to take back the complainant. Still further, he submits that no recovery is to be effected from the petitioner as Section 406, IPC has not been invoked, but in order to show his bona fide, the petitioner is ready to return the articles as deposed by him in his additional affidavit dated 03.02.2022.

Notice of motion.

On asking of the Court, Mr. Ramdeep Partap Singh, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State.

Respondent No.2 be served for 12.07.2022.

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 the day of joining the investigation, the petitioner will return the articles mentioned by him in his additional

affidavit to the Investigating Officer, which will be handed over to the complainant. The return of articles by the petitioner will be without prejudice to his right of defence.”

Upon instructions from ASI Palwinder Singh, State counsel submits that the petitioner has joined investigation and has returned the articles as deposed by him in his additional affidavit dated 03.02.2022.

Counsel representing respondent No.2-complainant submits that articles have been released to the complainant on *superdari*. He has, however, made a reference to agreement dated 13.05.2021 (Annexure R-1) allegedly executed between the petitioner and sister of the complainant to submit that the petitioner had extracted some money from the complainant's sister.

However, the same is beyond the scope of the instant petition and there is no reference of the alleged agreement in the FIR, Annexure P-1, lodged by the complainant.

In view of the above, but without commenting on the merits of the case, the present petition is allowed and the order dated 11.02.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

July 19, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes