

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-4143-2021

Date of decision:- 23.03.2022

Suraj Masih

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Harjasdeep Singh Rana, DAG, Punjab
for State-respondent No.1.

None for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in case FIR No.153 dated 06.12.2020, registered for offences under Sections 498-A and 406 and of the Indian Penal Code, 1860, at Police Station Qilla Lal Singh, Batala, District Batala, Annexure P-1.

While granting interim protection to the petitioner, this Court passed the following order on 29.01.2021:-

“Case taken up through Video Conferencing.

Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in the case on account of matrimonial discord between the petitioner and the complainant; the allegations with regard to beatings given by the petitioner have been found to be false as no case under Section 323 IPC has been registered against the petitioner; there is also no medical evidence to support the allegations of beatings; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the allegations contained therein are absolutely vague and unsubstantiated; there is no other criminal case in which the petitioner is involved; the petitioner is ready and willing to finally settle all his matrimonial disputes with respondent no.2 and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Subject to petitioner's depositing Rs.22,000/- with the Registry of this Court, to be disbursed to respondent no.2 as litigation expenses, let notice of motion be issued to the respondents for 03.03.2021.

Mr.Sandeep Kumar, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1-State.

Respondent no.2 be served dasti.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.153, dated 06.12.2020, registered under Sections 498-A, 406 IPC at Police Station Qilla Lal Singh, Batala District Batala, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer."

In compliance of the above reproduced order, the petitioner deposited a sum of Rs.22,000/- with the Registry of this Court, which was directed to be released to the complainant vide order dated 27.08.2021. Although, the parties were referred to the Mediation Centre, but efforts to bring about a settlement between them did not yield any result.

Upon instructions received from ASI, Iqbal Singh, State counsel submits that the dowry articles have been recovered from the petitioner, he has joined the investigation and is no longer required for custodial interrogation.

In view of the above, order dated 29.01.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

Petition is allowed.

23.03.2022

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No