

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-5306-2022
Date of Decision: May 06, 2022

Sarabpreet Singh

.....Petitioner(s)

Vs.

State of Punjab.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sarju Puri, Advocate for the petitioner.
Mr. Harsimar Singh Sitta, AAG, Punjab
Mr. Deepak Arora, Advocate for the complainant.

ANOOP CHITKARA J. (ORAL)

FIR No.	Dated	Police Station	Sections
14	26.01.2022	Rahon, District SBS Nagar	170, 419, 420, 465, 467, 468, 471 IPC

As per the FIR captioned above, the petitioner had come up before this Court under Section 438 CrPC seeking anticipatory bail.

2. Learned counsel for the parties jointly submits that the matter pertains to matrimonial dispute and stands compromised between the parties before the Mediation & Conciliation Centre of this Court. The settlement was reached on 04.05.2022 and states that the lump sum amount of Rs.21 lacs is to be paid by the petitioner to the complainant. Learned counsel for the petitioner has handed over a demand draft of Rs.5 lacs to learned counsel for the complainant today in the Court as the first installment agreed upon, which has duly been received and accepted by learned counsel for the complainant. He has given a photocopy of the same which is placed on record.
3. Learned counsel for the complainant submits that the bail may be made absolute only subject to the condition that petitioner fulfills all terms as decided and also returns all the remaining articles.
4. Needless to say that once the compromise is entered into by the parties, it has to be complied with by the parties on same terms and conditions. The matter before this Court is only for the anticipatory bail, which is allowed given the compromise effected.

5. **The dispute is marital in nature and at this stage the gravity calls for no custodial interrogation.**

6. In the present case, the maximum sentence impossible for the offences mentioned in FIR does not exceed seven years. Thus, directions passed in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, (Para 13), apply to this petition, wherein Hon'ble Supreme Court directed all the State Governments to instruct its police officers not to arrest the accused automatically when the offence is punishable with imprisonment for a term which may be less than seven years or which may extend to seven years; whether with or without fine.

7. The possibility of the accused influencing the investigation, tampering with evidence, intimidating witnesses, and the likelihood of fleeing justice, can be taken care of by imposing elaborative and stringent conditions. In Sushila Aggarwal, (2020) 5 SCC 1, Para 92, the Constitutional Bench held that unusually, subject to the evidence produced, the Courts can impose restrictive conditions.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

9. Given above, provided the accused is not required in any other case, the petitioner shall be released on bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Ten thousand (INR 10,000/-) to the satisfaction of the concerned investigator. Before accepting the sureties, the concerned officer must satisfy that if the accused fails to appear in Court, then such surety is capable of producing the petitioner before the Court.

10. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

11. The petitioner to also execute a bond for attendance in the concerned Court(s), as and when asked to do so. The presentation of the personal bond shall be deemed acceptance of the following and all other stipulations, terms, and conditions of this bail order.

12. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation as per law.

13. In case the Investigator/Officer-In-Charge of the concerned Police Station

arraigns another section of any penal offence in this FIR, and if the new section prescribes maximum sentence which is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above, then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days providing an opportunity to avail the remedies available in law.

14. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

15. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior.

16. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

May 06, 2022
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Whether speaking/reasoned: Yes/No
Whether reportable: No