

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12554-2022(O&M)

Date of decision : 09.05.2022

Narinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rohan Garg, Advocate for
Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr. Rituraj Singh, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.18 dated 03.03.2022 registered under Section 328 IPC at Police Station Haryana, District Hoshiarpur.

On 25.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, even as per the FIR, it has been stated that it is the present petitioner who had taken the complainant to the Hospital. It is further submitted that there is an inordinate delay in registration of the FIR inasmuch as the incident had taken place on 28.02.2022 whereas the FIR was registered on 03.03.2022 and as per the opinion of the Doctor on 02.03.2022, the petitioner was fit and the said time has been used in order to implicate the petitioner in order to save the complainant from the rigors of Section 309 of IPC. It is contended that earlier, the petitioner had

instituted a petition under Section 10 of the Hindu Marriage Act, 1955 and in the said petition, it was specifically stated that the averments were made that the complainant used to threaten the petitioner that she would take her own life and falsely implicate the petitioner and the said petition was filed on 01.03.2012 (Annexure P-2). Further reference has been made to complaint (Annexure P-3) which has been filed by the petitioner under Sections 499 and 500 of IPC against the complainant wife who had defamed the petitioner and after the charges were framed on 25.10.2012 (Annexure P-4), since, the petitioner wanted to save the marriage and the future of the minor children, thus, the same was withdrawn. It is further argued that the petitioner had in fact, purchased a property in the name of his wife in the year 2011 and for the same, he has referred to the sale deed (Annexure P-5). It is also submitted that in fact, the petitioner had been assaulted by the family members of the complainant-wife, regarding which, the DDR dated 31.10.2021 was registered. It is submitted that the complainant had consumed poison and it is the petitioner who had tried to save her by taking her to the Hospital. It is further submitted that the petitioner is serving in the Indian Army and has served in 94th Field Regiment (Artillery) of the Indian Army. It is further submitted that in case, the poison had been administered forcibly, then there would be abrasions, contusions, scratch marks or signs of struggle on the complainant. He has further submitted that the petitioner is ready to finally resolve the matter keeping in view the interest of two minor children.

Notice of motion.

On asking of the Court, Mr. Sidakmeet Sandhu, AAG, accepts notice on behalf of State of Punjab and Mr. Rituraj Singh, Advocate appears on behalf of the complainant and seek time to get instructions.

Learned counsel for the complainant has also submitted that he would get instructions as to whether the matter could be finally resolved.

Adjourned to 09.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as

provided under Section 438(2) Cr.P.C.

Learned counsel for the complainant would be at liberty to place on record any documents to show that the petitioner does not deserve the concession of anticipatory bail.

25.03.2022

**(VIKAS BAHL)
JUDGE”**

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel has submitted that the petitioner has joined investigation on 28.03.2022 and in the present case, recommendation for submission of cancellation report has been made by DSP Crime against Women, Hoshiarpur and the petitioner is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 25.03.2022, and also the fact that the petitioner has joined the investigation and the submission of cancellation report has been recommended and the petitioner is not required for further investigation, the present petition is allowed and the interim order dated 25.03.2022 is made absolute.

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 petition.

**(VIKAS BAHL)
JUDGE**

May 09, 2022
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No