

CRM-M-16883-2021
Date of decision: 01.04.2022

ATINDER PAL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. A.A.Pathak, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioners in case FIR No. 12 dated 24.01.2021, registered under Sections 406-498-A IPC, 1860 at Police Station Sadar Faridkot, District Faridkot.

On 22.04.2021, the following order was passed:-

“Instant petition has been filed under Section 438 Cr. PC with a prayer for grant of anticipatory bail to the petitioner in case FIR No.12 dated 24.01.2021 under section 406, 498-A, IPC, 1860 registered at PS Sadar Faridkot, District Faridkot. Learned counsel for the petitioner inter alia contends that a totally false and fabricated case has been foisted upon the petitioner by his wife as she wanted to settle in Canada and the petitioner had even applied for a visa but unfortunately it was refused by the Canadian Embassy. Learned counsel further submits that the respondent-wife had thereafter been insisting and pressurizing the petitioner to take a separate residence from his parents which was the main reason behind the registration of the FIR in question. Learned counsel submits that he had also filed a petition under Section 9 of Hindu Marriage Act as he wanted to reconcile with his wife and bring her back to the matrimonial home. It has been contended that the petitioner is still willing to resolve all the differences with his wife. Notice of motion for 04.05.2021. Meanwhile, arrest of the petitioner shall remain

stayed only till the next date of hearing.”

On 23.08.2021, the following order was passed:-

“ As per office report, notice issued to respondent No.2 has not been received back served or otherwise.

Let fresh notice be issued to respondent No.2 for 01.12.2021.

Meanwhile, petitioner is directed to join investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation, the complainant was impleaded as party but she failed to appear and join the proceedings despite service having been effected upon her and the petitioner has instituted a petition under Section 9 of Hindu Marriage Act of restitution of conjugal rights prior to the registration of the FIR.

On instructions from ASI Jasbir Singh, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation on 08.03.2022 and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 23.08.2021, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands disposed of.

01.04.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No