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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17318-2022

Date of Decision: April 27, 2022

Sikander Singh Gill

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Dr.Rohit Samhotra, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0016 of 2020, dated 17.07.2020, under Sections 406 and 498-A IPC, registered at Police Station NRI, Police Commissionerate, Ludhiana.

Learned counsel for the petitioner submits that the petitioner has filed this petition through special power of attorney as he is presently in Canada. He submits that in his absence, the present FIR, which is on account of matrimonial discord, was lodged. He submits that his passport is impounded and LOC has been issued. He fairly contends that in view of the facts and circumstances of the present case, the anticipatory bail filed by the petitioner though is not maintainable but the petitioner, in all fairness, is ready to come to India for joining investigation but he has an apprehension of his arrest the moment he lands in India. He submits that petitioner is ready to come to India within one month from today for joining the investigation and follow the legal procedure.

Issue notice of motion.

On the asking of the Court, Mr. Rakeshinder Singh Sidhu, AAG, Punjab, who is present in Court, accepts notice on behalf of the State and on instructions from SI Maghar Singh has also apprised the Court that look out notice has already been issued against the petitioner.

However, in the facts and circumstances, when counsel for the petitioner has submitted that petitioner is keen to join the investigation and for that purpose he wants to return to India, the present petition is disposed of with a direction to the respondent-State that in case the petitioner returns to India within one month from today (from 27.04.2022 to 27.05.2022), he would have the protection from his arrest for seven days from his landing. It is further directed that if the petitioner files an application within seven days from his landing, the Court of competent jurisdiction will deal with the same in accordance with law.

Needless to say that if the petitioner does not comply with the undertaking given to this Court, this order would be of no avail to him.

Disposed of accordingly.

April 27, 2022

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(RAJESH BHARDWAJ)
JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No