

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

205

**CRM-M-28368-2021
Decided on : 10.02.2022**

Gurpinder Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ashutosh Hoshiarpuri, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Sukhwinder Singh.

Mr. G.L. Bajaj, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 69, dated 16.06.2021, lodged under Sections 323, 498-A, 406 of IPC, registered at Police Station Jhabal, District Tarn Taran (annexed as Annexure P-1).

Learned counsel for the petitioner submits that the petitioner and his wife i.e. the complainant had been living in Dubai, however, once they returned from Dubai after the petitioner lost his job, the complainant-wife was unhappy and not willing to live in the village. Learned counsel further submits that on return to India, the petitioner learnt about the complainant's illicit relations with some man and on being confronted she along with her minor child left the matrimonial home. Thereafter, out of vengeance, the complainant filed the FIR in question, wherein, she levelled false and fabricated allegations.

It has also been submitted that due to the complainant's illicit relations, the

petitioner had also filed a petition under Section 13 of the Hindu Marriage Act, 1955 (Annexure P-3), prior to the registration of the present FIR.

Learned counsel further submits that pursuant to order dated 22nd July, 2021, passed by this Court, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant, does not dispute the factum of the petitioner having joined investigation. He, on further instructions submits that since the petitioner has joined investigation, his further investigation, much less, custodial interrogation is not required. Learned State counsel has also stated that the challan has been prepared by the investigating agency, which would be presented very shortly before the trial Court concerned.

Learned counsel appearing for the complainant has, however, opposed the grant of concession of anticipatory bail to the petitioner by reiterating the allegations levelled in the FIR in question. He has submitted that on account of the specific allegations of harassment attributed to the petitioner, he does not deserve the concession of anticipatory bail.

Heard.

In the facts and circumstances, as enumerated hereinabove and the petitioner having cooperated during investigation, the petition is allowed and interim order dated 22nd July, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

February 10, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*