

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM-M-35234-2021

Date of decision: - 21.02.2022

Surinder Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bhawesh Chaudhary, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Ms. Nritika Verma, Advocate for
Mr. Amit Dhawan, Advocate
for the complainant.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of pre-arrest bail in FIR No.61 dated 15.05.2021, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women Cell, Jalandhar, Annexure P-1.

While granting interim protection to the petitioner, this Court passed the following order on 27.08.2021:-

“Counsel for the petitioner inter alia would contend that the instant FIR has been filed only as a counter-blast to the divorce petition (No. 1324 of 2020) that had been preferred on 30.10.2020. It is argued that divorce has been sought on the ground that she is mentally unfit and unstable. It is further argued that the petitioner herein is ready and willing to join investigation and hand-

over whatever dowry articles in his possession to the Investigating Officer.

Notice of motion for 31.01.2022.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.”

Counsel for the petitioner submits that after the registration of the FIR, which was a fallout of a matrimonial dispute, the parties have entered into a compromise and they are residing together. This fact has been affirmed by the State counsel as well as the counsel representing the complainant.

Upon instructions, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above development, but without commenting on the merits of the case, the present petition is allowed. Order dated 27.08.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

21.02.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No