

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

CRM-M-36079-2021

Date of Decision: 24.05.2022

Gurjeet Singh

...Petitioner

Versus

State of Punjab

...Respondents

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

Ms. Ruchika Sabherwal, AAG Punjab.

VIVEK PURI J.

Through the instant petition, the petitioner is seeking anticipatory in case FIR No. 0044 dated 30.06.2021 under Sections 406, 498-A IPC, registered at Women Police Station, District Patiala (Annexure P-1)

On 07.03.2022, following order was passed:

“The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized as back as on 08.04.2012 and two children were born from wedlock. At the earlier instance the matter was referred to mediation, but the report has been received to the effect that the parties could not arrive at amicable settlement.

Learned counsel for the petitioner further contends that the petitioner is employed in Indian Army.

He further submits that the petitioner was granted interim bail by the Court of Sessions and he has joined the investigation. However, his bail application was dismissed on the score that he was not cooperating in investigation and recovery of articles has been effected. He further states that the petitioner is ready and willing to join the investigation and also to get the articles recovered whatsoever may be in his custody.

At the earlier instance, the arrest of the petitioner was stayed to enable him to participate in the mediation process.

Learned counsel for the complainant states that there is a video of the petitioner burning the articles of istridhan.

Learned State counsel has pointed out that the petitioner is yet to join investigation as his arrest was stayed. She further contends that the aforesaid aspect of the matter as put forth on behalf of the complainant will also be looked into during the course of investigation.

Adjourned to 24.05.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure. "

Learned counsel for the petitioner contends that in pursuance of the interim direrctions, the petitioner has joined the investigation. It is further contended that the matrimonial dispute has been amicably settled between the parties.

On the instructions of HC Amandeep Singh, learned State Counsel has not disputed the aforesaid factual aspects and further contended that custodial interrogation of the petitioner is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner.

Accordingly, order dated 07.03.2022, vide which the petitioner has been granted interim bail, is made absolute. Petition is allowed.

24.05.2022
Ajay Goswami

(VIVEK PURI)
JUDGE

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