

**101+206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33425-2020 (O&M)

Date of Decision: 7.2.2022

Ashok Kumar Setia @ Goldy

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikram Jeet Singh, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Mr. Ankur Bansal, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-3462-2022

Annexures R-1 and R-2 are taken on record.

Application stands allowed.

Main case

The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.39 dated 20.8.2020 registered under Sections 406, 498-A IPC at Police Station Women, District Jalandhar.

Vide interim order dated 19.10.2020, no coercive action was ordered to be taken against the petitioner and thereafter, vide order dated 10.11.2020, he was granted interim bail and permitted to join investigation. In the facts and circumstances of the case, this Court referred the matter to the Mediation Centre as well. However, report of the Mediation Centre placed on record would show that total four sittings were held but the matter could not be

settled by way of compromise.

Learned counsel for the petitioner has vehemently contended that the petitioner has joined the investigation.

Learned counsel for the complainant submits that the petitioner neither has the respect and regard for the interim relief granted by this Court nor he deserves the concession of anticipatory bail.

Learned State counsel submits that during the pendency of this petition another FIR No.172 dated 30.10.2021 was registered against the petitioner and he is behind bars in that FIR. She further submits that after getting the interim protection from this Court, the petitioner tried to flee from India, however, he was arrested from Delhi Airport on 8.11.2021.

Learned counsel for the complainant has submitted that the petitioner has caused head injuries to his son-in-law, which required 95 stitches on the head of the injured.

Learned counsel for the complainant as well as learned State counsel have vehemently opposed the contentions raised by learned counsel for the petitioner.

After hearing learned counsel for the parties and perusing the record and antecedents of the petitioner, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail. In view of the conditions of Section 438 (1) Cr.P.C., the factors like nature and gravity of offence, the probabilities of accused fleeing from the investigation and hampering with ongoing investigation, are to be considered. Weighing the facts and circumstances of the case on the anvil of the parameters given by various judicial precedents and in the light of statutory conditions mentioned above, the present case totally collapses on the same.

The petition being devoid of any merit, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

7.2.2022
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No