

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

206

(Through Video Conferencing)

CRM-M-41855-2021

Date of decision: 01.02.2022

Abdu Samad

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohd. Jameel, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

Mr. Anil Kumar Garg, 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.97 dated 14.09.2021 under Section 498-A of the IPC registered at Police Station Women, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that a false case has been foisted upon the petitioner wherein allegations of harassment to the complainant have been levelled. It has been submitted that it was an admitted case that the complainant was having extra-marital affair with one person and a statement before the Child Welfare Project Officer, Ludhiana in a petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 too had been recorded wherein the factum of the extra-marital affair of the complainant with one person stood proved. Learned counsel further submits that in fact it

is the complainant who has subjected the petitioner to mental cruelty on account of her conduct as well as on account of foisting a false and fabricated case upon him. Learned counsel further submits that in compliance of order dated 06.10.2021, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Sukhdev Singh, does not dispute the factum of the petitioner having joined investigation.

Learned State counsel further submits that the petitioner is not required for further investigation much less custodial interrogation.

Learned counsel appearing for the complainant has, however, opposed the prayer of the petitioner by reiterating the allegations levelled in the FIR in question.

I have heard learned counsel for the parties and perused the material on record.

In view of the facts and circumstances as enumerated hereinabove, the petition is allowed and interim order dated 06.10.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

01.02.2022

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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