

CRM-M-51801-2021

Date of decision: 06.04.2022

AVTAR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.S.Lakhanpal, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Sarbjit Singh Hira, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 168 dated 13.11.2021, registered under Sections 498-A/406 IPC, 1860 at Police Station Mehtiana, District Hoshiarpur.

On 13.12.2021, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.168 dated 13.11.2021 under Sections 498-A and 406 IPC registered at Police Station Mehtiana District Hoshiarpur.

Learned counsel for the petitioner inter alia contends that on account of a marital discord between the petitioner and the complainant-wife, FIR in question came to be registered. He submits that subsequent to the registration of the FIR in question the complainant-wife expired on account of Cancer.

Notice of motion for 06.04.2022.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer.

The petitioner shall abide by the terms and

conditions as envisaged under Section 438(2)Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court, the petitioner has joined the investigation.

On instructions from ASI Jasbir Singh, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation, the recovery has been effected and his custodial interrogation is not required.

However, Mr. Sarbjit Singh Hira, Advocate appearing on behalf of the father of the complainant opposed the bail application on the score that there is an apprehension that the petitioner may flee from the country.

Such an apprehension cannot be termed to be a ground to decline bail particularly because the petitioner has to comply with the provisions of Section 438(2) Cr.P.C.

In view of the aforesaid submissions, the order dated 13.12.2021, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

06.04.2022
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(VIVEK PURI)
JUDGE

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