

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-37393 of 2018 (O&M)
Date of decision:03.02.2022

Gurpreet Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sourabh Bindra, Advocate
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

Mr. Vivek K.Thakur, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.98 dated 19.05.2018 registered under Sections 498-A, 406 of Indian Penal Code, 1860 at Police Station City Kapurthala, District Kapurthala (Annexure P-1).

Counsel for the petitioner submits that FIR is a result of marital dispute between the parties and in pursuance to the order passed by this Court on 15.01.2021, the petitioner has surrendered before the trial Court, joined the proceedings and has been released on interim bail. He submits that the petitioner has handed over his passport to the investigating agency.

By referring to the order dated 25.01.2022, State counsel upon instructions from ASI Naveen Kumar, affirms the fact that original passport

is in the possession of Investigating Officer. He has instructions to state that the petitioner is no longer required for custodial interrogation.

Heard counsel for the parties.

On 15.01.2021, this Court passed the following order:-

“By way of instant application, petitioner seeks pre-poning of his application for pre-arrest bail and stay of his arrest while contending that in terms of order dated 29.8.2018, the petitioner had been directed to join the investigation before the Investigating Officer and also to surrender his passport before the I. O., if he is possessing the one, otherwise to furnish an affidavit in this regard. It is submitted that in pursuance to the said order, he appeared before the I. O. and furnished his affidavit stating that he had handed over his passport to some travel agent who had subsequently gone underground. Along with this affidavit, he had also given the details of the passport by a separate Annexure, however, the interim relief granted to him had been recalled subsequently on 16.10.2018 on the ground that he had not complied with the order directing him to deposit his passport. It is argued that the matter remained pending and in the meantime the proceedings were initiated before the trial Court and he came to be declared a proclaimed offender primarily on the ground that he did not put in an appearance before the trial Court. In fact he had been served proclamation notice under Section 82 Cr. P.C. on an old

address, hence he was unaware of the proclamation proceedings. Petitioner had also filed an application for recalling of order dated 16.10.2018 but it was subsequently withdrawn on 19.12.2019. Another application i.e.CRM- 8103-2020 was filed for arrest of stay. The matter however, remained pending due to lock down.

Notice of both the applications to the opposite counsel for 25.02.2021, the date already fixed in the main bail application.

Ms. Rashmi Attri, AAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent-State.

As per the contention of the counsel for the petitioner, the petitioner was unaware of the proceedings that had been initiated in the above-said FIR at his back and since the petitioner has placed on record an affidavit that he has already furnished his affidavit before the I. O. along with the Annexure showing the details of his passport, this Court deems it appropriate to keep the order declaring him proclaimed offender in abeyance by staying the arrest of the petitioner for a period of two weeks to enable him to appear before the trial Court and move an appropriate application for having the impugned order set aside, which would be considered by the trial Court in accordance with law. The petitioner shall be

admitted to interim bail subject to the satisfaction of the Court.

Ordered accordingly.

It is made explicitly clear that in case the petitioner fails to surrender before the trial Court within the specified time, any interim protection allowed to him by this Court shall stand automatically vacated.”

As the petitioner has surrendered before the trial Court, joined the proceedings, deposited his passport with the Investigating Officer and he is not required for custodial interrogation, the petition is disposed of and the order dated 15.01.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

February 03, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>