

CRM-M-541-2023

-1-

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-541-2023

Date of Decision:24.02.2023

HARINDERJEET SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. B.R. Rana, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab
assisted by ASI Ranjit Singh.

Mr. Parminder Singh, Advocate
for the complainant.

JAGMOHAN BANSAL, J. (Oral)

On 13.01.2023 following order was passed:

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking grant of anticipatory bail in FIR No.80 dated 14.12.2022 registered at Police Station Women Cell, Bathinda, District Bathinda, under Sections 498-A, 406 of Indian Penal Code, 1860.

Learned counsel for the petitioner, inter alia, contends that dispute between the parties is on account of temperamental issues and lack of trust. There is no dispute on account of dowry. The marriage between the parties was solemnized on 25.11.2011 whereas FIR came to be registered on 14.12.2022 as petitioner has filed petition

*under Section 13 of Hindu Marriage Act, 1955 on 06.09.2022. The petitioner, in view of judgment of Hon'ble Supreme Court in **Arnesh Kumar V. State of Bihar, (2014) 8 SCC 273**, deserves to be granted concession of anticipatory bail. The petitioner is innocent person and he has not committed the alleged offence. The petitioner is not involved in any other offence. The petitioner is permanent resident of District Ludhiana.*

The petitioner is ready to join investigation and face trial. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

*Notice of motion returnable for **24.02.2023**.*

Mr. Amish Sharma, AAG, Punjab, who is present in Court on advance notice, seeks time to file status report.

*Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590; Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI, (2022)10 SCC 51; Siddharam Satlingappa Mhetre V. State of Maharashtra & Others, 2010 SCC OnLine SC 1375; Shri Gurbaksh Singh Sibbia V. State of Punjab (1980), 2 Supreme Court Cases 565; Arnesh Kumar V. State of Bihar, (2014) 8 SCC 273**, at the first instance, the petitioner is directed to appear before Investigating Officer on **20.01.2023** and thereafter as directed by*

Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall cooperate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.”

Learned counsel for the private respondent submits that petitioner has thrown away respondent alongwith two children from his house. They have no source of income.

On being confronted with this fact, learned counsel for the petitioner submits though petition under Section 125 of Cr.P.C. seeking maintenance is pending before the Family Court yet he would pay a sum of Rs.10,000/- per month to his children from today, subject to outcome of petition under Section 125 Cr.P.C.

The petitioner by tomorrow will transfer a sum of Rs.10,000/- in the Bank Account of private respondent. The amount paid by petitioner to respondent shall be considered at the time of adjudication of question of maintenance by Family Court.

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 13.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

24.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>