

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

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CRM-M-1778-2023

Date of Decision: 24.02.2023

Baljinder Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Santosh Kumar Sharma, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by SI Raghubir Singh)

JAGMOHAN BANSAL, J. (ORAL)

Status report by way of affidavit dated 23.02.2023 of Gopal Singh, ACP, CAW & C-Cell Ludhiana, District Police Commissionerate Ludhiana filed on behalf of respondent-State is taken on record. Registry is directed to tag at appropriate place.

On 13.01.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.95 dated 03.11.2017 (Annexure P-1) registered at Police Station Women, Ludhiana, District Ludhiana under Sections 406 & 498-A of Indian Penal Code, 1860.

Learned counsel for the petitioner, inter alia, contends that dispute between the parties is on account of temperamental issues. There is no dispute on account of dowry. The marriage between the parties was solemnized on 04.12.2016 and FIR came to be registered on 03.11.2017. The petitioner immediately after his marriage left for Australia on 15.01.2017 and till date is residing in Australia. The petitioner was declared proclaimed offender and order of proclamation stands set aside by Additional Sessions Judge, Ludhiana, vide

*order dated 12.12.2022. The arrest of the petitioner after more than five years from the date of registration of FIR would not be just and fair. 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 ready to join investigation and face trial. 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 **30.01.2023** 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 co-operate 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 State counsel, on instructions from SI Raghur Singh, submits that the petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioners 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
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>