

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

214

CRM-M-3295-2023

Date of Decision: 18.05.2023

Sumeet Yadav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Puja Chopra, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by SI Rajdeep Kaur)

Ms. Shivya Sehgal, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 20.01.2023, 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.103 dated 05.12.2022 registered at Police Station Women, Patiala, District Patiala, under Sections 406/498-A of Indian Penal Code, 1860.

Learned counsel for the petitioner inter alia contends that the petitioner is a citizen of Australia and the marriage of the petitioner with complainant was solemnised through lovevivah.com on 01.11.2021. The petitioner on various occasions had transferred funds in the account of the complainant. The allegation of spending a sum of Rs.52 lakhs on the occasion of marriage is totally concocted and false. The complainant at her own accord had left house of the petitioner which is evident from the CCTV footage.

The complainant had even implicated sister of the petitioner who is staying in USA for couple of years. The petitioner is not involved in any other offence. The petitioner has filed a petition seeking separation. 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.

Mr. Amish Sharma, Asstt. A.G., Punjab, accepts notice on behalf of the respondent-State and on instructions from HC Lovely Kumar submits that the complaint had filed complaint against 05 persons whereas FIR has been registered against the petitioner i.e. husband of the complainant.

Adjourned to 17.02.2023.

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 & Ors., 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 investigation officer on 27.01.2023 and thereafter as directed by IO. 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.

Adjourned to 17.02.2023.”

2. The matter was referred to Mediation and Conciliation Centre of this Court, however, respondent No.2 did not join proceedings before the Mediator.

3. Learned State counsel, on instructions from SI Rajdeep Kaur, submits that petitioner has joined investigation and no custodial interrogation is required.

4. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 20.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

5. 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.

6. 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

18.05.2023
Mohit Kumar

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