IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

217 **CRM-M-3121-2023**
Date of Decision: 17.02.2023

Karamjit Singh **…Petitioner**

Versus

State of Punjab and Another **…Respondents**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jagjeet Singh, Advocate for
Mr. Amit Arora, Advocate, for the petitioner

Mr. Digvijay Nagpal, AAG, Punjab
(assisted by ASI Lakhbir Singh)

JAGMOHAN BANSAL, J. (ORAL)

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.0124 dated 03.11.2022 registered at Police Station Bikhiwind, District Tarn Taran, under Sections 498-A and 406 of Indian Penal Code, 1860.

Learned counsel for the petitioner inter alia contends that the marriage of the petitioner with complainant was solemnised on 15.05.2022 and she left company of the petitioner in June 2022 i.e within one month from the date of marriage and complaint alleging commission of offence punishable under Sections 498-A and 406 of IPC came to be filed on 11.07.2021 which culminated into FIR dated 03.11.2022. The petitioner is not involved in any other offence. The petitioner is permanent resident of District Tarn Taran and staying with his family members. 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.

MOHIT KUMAR
2023.02.17 19:15
I attest to the accuracy and
integrity of this order/judgment

Notice of motion.

Mr. Amish Sharma, Asstt. A.G., Punjab, accepts notice on behalf of the respondent-State .

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."

Learned State counsel, on instructions from ASI Lakhbir 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 petitioner vide order dated 20.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

MOHIT KUMAR
2023.02.17 19:15
I attest to the accuracy and
integrity of this order/judgment

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

17.02.2023
Mohit Kumar

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

MOHIT KUMAR
2023.02.17 19:15
I attest to the accuracy and
integrity of this order/judgment