

2023:PHHC:149296

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

CRM-M-12047-2023

Date of Decision: 23.11.2023

MANJIT SINGH @ SONU

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amardeep Singh, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.
None for the complainant.

VIVEK PURI, J.(ORAL)

1. On 20.07.2023, the following order was passed by the
Coordinate Bench of this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 189 dated 18.12.2022, under Section 498-A, registered at Police Station Sarhali, District Tarn Taran.

In compliance of order dated 01.5.2023, Status report by way of affidavit of Satnam Singh, PPS, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, on behalf of respondent No.1 has been filed in Court today, which is taken on record, subject to all just exceptions. Copy of the same is handed over to learned counsel for the petitioner.

Learned counsel for the petitioner submits that the marriage between petitioner and the complainant took place about seven years ago and out of the said wedlock two children were born out. It is submitted that due to temperamental issues, the complainant herself left the matrimonial house and took away the children from the custody of the petitioner. It is submitted that all the dowry articles have been taken away by the complainant, which were given to her by her family at the time of marriage. Learned counsel submits that neither the petitioner or his family members have given beatings to the complainant on account of demand of dowry nor the petitioner has conducted the second marriage with a lady, namely, Lakshmi, during subsistence of the first marriage, as per allegations levelled against him and his family members. It is submitted that the matter was also referred to the Mediation & Conciliation Centre of this Court for amicable settlement but as per report of the Mediator dated 10.4.2023, the matter could not be settled. Learned counsel for the petitioner submits that the petitioner is having one acre of land and is ready to transfer half of the share of the said land in the names of minor children and settle the matter.

Adjourned to 23.11.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event

of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. The petitioner is still ready and willing to transfer half of the share in the one acre of land owned by him in the name of minor children and settle the matter but the complainant is not agreeing to the same. Even, none had appeared on behalf of the complainant on the previous two dates of hearing and the same is the position, today.

3. Learned State counsel, on instructions from ASI Gurdial Singh, submits that she does not intend to file any affidavit/status report. She further submits that in pursuance of the interim directions, the petitioner has joined the investigation and his custodial interrogation is not required.

4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 20.07.2023, vide which the petitioner has been granted interim bail, is made absolute.

5. Petition is allowed.

23.11.2023

smriti

Whether speaking/reasoned: Yes/No

(VIVEK PURI)

JUDGE

Whether Reportable: Yes/No