

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

206+2

CRM-M-17444-2022

Date of Decision: 16.03.2023

Gurpiar Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jasvir Singh Dhaliwal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Sher Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 12.05.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in case FIR No.432 dated 23.12.2021, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Patran, District Patiala, Annexure P-1.

Counsel for the petitioner submits that petitioner is the husband of complainant-respondent No.2 and the matrimonial dispute between them has been settled by virtue of settlement dated 11.05.2022.

Notice of motion.

On asking of the Court, Mr. A.A.Pathak, Addl. A.G., Punjab accepts notice on behalf of State-respondent No.1. Mr. Tushant Deep Garg, Advocate has put in appearance

and accepts notice on behalf of complainant-respondent No.2. He has filed Vakalatnama, which is taken on record, and has admitted the factum of compromise.

List on 19.07.2022.

The petitioner shall appear before the Investigating Officer and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner, at the outset, submits that the matter between the parties stands settled and they have filed CRM-M-3643-2023 before this Court seeking quashing of FIR on the basis of compromise.

Learned State counsel, on instructions from ASI Sher Singh, submits that petitioner has 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 12.05.2022 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

16.03.2023
Mohit Kumar

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