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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20616-2023 (O&M)
Date of decision : 15.11.2023

Mandeep Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aminder Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

CRM-42535-2023

This is an application under Section 482 of the Code of Criminal Procedure, 1973 for adding offence under Section 406 of the Indian Penal Code, 1860 (added later on) in the prayer clause as well as in the head-note of the main petition.

Notice of the application.

On the asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of the State and submits that he has no objection if the present application is allowed.

In view of the above and for the reasons stated in the application, the same is allowed. The amendment is permitted to be carried

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out in the prayer clause as well as in the head-note of the main petition.

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1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.59 dated 25.03.2023 under Sections 498-A, 377 of Indian Penal Code, 1860 (Section 406 IPC added later on) registered at Police Station City Sunam, District Sangrur.

2. On 26.04.2023 the following order was passed :

“Mandeep Singh has filed anticipatory bail petition in FIR No.59 dated 25.03.2023, under Sections 498-A, 377 of IPC, registered at Police Station City Sunam, District Sangrur. It is argued that the petitioner is falsely implicated in this case. No offence under Section 377 of IPC is made out. It is a matrimonial dispute. He is ready to join the investigation.

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Assistant A.G. Punjab accepts notice on behalf of the State.

Considering the aforesaid factual position, the arrest of the petitioner is stayed till next date, subject to the joining of investigation.

Adjourned to 25.07.2023.

Status report be filed by respondent – State by the adjourned date.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.
4. Learned counsel for the State, on instructions from ASI Darshan Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now. Learned State counsel has further pointed out that the complainant had refused to get her medical examination done.
5. In view of the above, the order dated 26.04.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.
6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

15.11.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO