

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+206

CRM-M-22861-2022 (O&M)

Date of Decision: 09.02.2023

Harsh Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Mohit Vashishat, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Suresh Kumar)

JAGMOHAN BANSAL, J. (ORAL)

CRM-28760-2022

Application for placing on record affidavit of Manjot Kaur-victim/wife of the petitioner attested before Executive Magistrate, Gurugram, is allowed and the said affidavit is taken on record. Registry is directed to tag the same at appropriate place.

CRM stands disposed of.

CRM-M-22861-2022

On 25.05.2022, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.41, dated 03.02.2020, under Sections 363 and 366A IPC, registered at Police Station City Sangrur, District Sangrur.

It has been contended by learned counsel for the petitioner that petitioner is the brother-in-law of the complainant. He submits that petitioner has been falsely implicated in this case. He further submits that

petitioner and the alleged victim are married and the victim was more than 18 years of age at the time of marriage and she has also filed an affidavit wherein she has specifically deposed that she married with the petitioner with her own consent and there was no coercion whatsoever on behalf of the petitioner. He submits that the petitioner and the victim have filed a petition bearing CRM-M-4269-2021 for quashing of the FIR as well which is pending before this Court on 26.07.2022. He submits that he has never been involved in any criminal case earlier and hence, in view of the above mentioned facts, no case for custodial interrogation is made out, however, petitioner is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 26.07.2022.

On the asking of the Court, Ms.Sakshi Bakshi, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent/State.

State is directed to file status report on or before the next date of hearing.

Till the next date of hearing, no coercive action be taken against the petitioner.”

Vide order dated 12.10.2022, the petitioner was directed to join investigation.

Learned State counsel, on instructions from ASI Suresh Kumar, submits that 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 12.10.2022 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

09.02.2023
Mohit Kumar

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