

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25215-2023
Date of decision: 15.11.2023

AASHISH SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.S. Bal, Advocate for the petitioner.

Ms. Ruchika Sabharwal, DAG, Punjab.

Ms. Kirti S. Avasthi, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.40 dated 08.03.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Machhiwara, District Khanna.
2. On 24.08.2023 the following order was passed in the main case 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. 40 dated 08.03.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Machhiwara, District Khanna.

Vide order dated 18.05.2023, passed by a co-ordinate Bench of this Court, the parties were relegated to the Mediation and Conciliation Centre of this Court, for exploring the possibility of an amicable settlement. However, it is informed that the mediation between the parties was partly successful.

Learned counsel for the petitioner, inter alia, submits that marriage of the petitioner with the complainant was solemnized on 03.09.2018 and one child was born out of the said wedlock. This was the second marriage of both the petitioner as well as the complainant. It is submitted that allegations made in the FIR are patently false and fabricated. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent-State.

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 interim 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 appellant along with the details of pending FIRs, if any, on or before the next date of hearing”.

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions.
4. On instructions from the learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is not required.
5. In view of the aforesaid submissions, the order dated 24.08.2023 granting interim bail to the petitioner is made absolute.
6. The petition is allowed.

15.11.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No