

209

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25480-2023 (O&M)

Date of decision : 15.12.2023

Sunil Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Nitin Verma, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Nirmal Sharma, Advocate for

Mr. Kshitij Goel, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

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.22 dated 10.4.2023, under Section 498-A of the Indian Penal Code, 1860, registered at Police Station Women, SAS Nagar (Annexure P-1).

2. Vide order dated 04.09.2023 the petitioner was directed to join investigation. The relevant portion of the order reads as under :-

“Learned counsel for the petitioner inter alia submits that the petitioner was married to the complainant on 30.10.2019. No children were born out of this wedlock. It is stated that the complainant hardly lived with the petitioner for 4-6 months and thereafter shifted to Chandigarh for doing her job. It is stated that the complainant finally left the matrimonial home in May 2021. Learned counsel contends that although

complainant was not residing with the petitioner, yet, she filed the complaint on 04.4.2022, in respect of which, FIR was registered on 10.4.2023. Learned counsel submits that utterly false and fabricated allegations have been levelled against the petitioner in the FIR. He submits that vide order dated 31.7.2023 the matter was sent to the Mediation and Conciliation Center of this Court, however, the mediation has failed. He submits that the petitioner is ready to join the investigation and undertakes to cooperate in the same. Adjournd to 15.12.2023.

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 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) the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) 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) 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. ”*

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 Mandeep Kaur 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.

5. In view of the above, the order dated 04.09.2023 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.

15.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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