

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

289

CRM-M-26139-2023

Date of decision: 17.08.2023

MOHAMMAD NAZIM

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

NIDHI GUPTA, J.(ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.22 dated 16.02.2023, (Annexure P-1) under Sections 376(2)(n) of IPC, registered at Police Station City 1 Malerkotla, District Malerkotla.

Ms. Navika Bansal, Advocate has put in appearance on behalf of the complainant and filed her Memo of Appearance, the same is taken on record.

On 22.05.2023, this Court had passed the following order:-

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.22 dated 16.02.2023 under Sections 376(2)(n) of IPC at Police Station City 1 Malerkotla, District Malerkotla.

Learned counsel for the petitioner submits that the entire allegations leveled in the FIR are false and are a part of larger conspiracy to grab his property. He further submits that the complainant, who is the daughter from his second wife,

was ousted by him after she changed her name and married a Sikh gentleman-Harmanpreet Singh, and thereafter, he had cut all ties with her. In pursuant thereto, a compromise was effected with the second wife of the petitioner that she will not stay in touch with her daughter, and will rather live with the petitioner and with his two sons from the first marriage, in a residential house near the railway station. As an outburst of the said compromise, the present FIR has been lodged.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of the State and submits that the matter is under investigation and there are certain letters alleged to have been written by the petitioner to the complainant.

Per contra, learned counsel for the petitioner submits that his life and liberty be protected and his handwriting be verified.

In light of the above, the petitioner is directed to join investigation on 30.05.2023 at 10:00A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter and shall also give his specimen handwriting which shall be duly verified by an expert.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to be satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 17.08.2023.”

Learned State counsel on instructions states that in terms of the order passed by co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation and has also given his signatures in compliance of last order. He also states that no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 22.05.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by following conditions:-

- i) He shall join the investigation as and when required by the Investigating Officer.
- ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- iii) He shall not leave the limits of this country without prior permission of the Court.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

August 17, 2023

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**(NIDHI GUPTA)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No