

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28675-2022(O&M)
Date of decision : 09.05.2023

Jasmail Singh Litt

... Petitioner

Versus

The State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Abhishek Khullar, Advocate for
Mr.Harinder Pal Singh, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab.

Mr.Kanwaljeet Singh Brar, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

1. This is the second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.35 dated 28.05.2022 registered under Section 376 IPC at Police Station Sudhar, District Ludhiana.

2. On 08.07.2022, this Court was pleased to pass the following order:-

“CRM-23013-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

Main case

Inter alia contends that in the present case, the petitioner is the 64 year old father-in-law of the complainant and absolutely

false allegations have been levelled against him after he had made the complaint dated 04.01.2022 through e-mail to the Police Station Sudhar NRI, Headquarter, Mohali in which he had stated that the complainant-Mandeep Kaur had changed the locks of the house which was under his ownership. It is further submitted that after the said complaint had been made, the complainant has filed the present complaint on 27.01.2022, with respect to the allegations dating back to 06.11.2019. It is contended that there is no medical evidence in support of the said allegations. It is further contended that in fact, the petitioner and his family members had been repeatedly sending money to the complainant and the complainant had been accepting the money even after 2019 and in the year 2020, an amount of Rs.6,39,485/- was paid to the complainant and the total amount paid to the complainant was Rs.12,63,711/-. It is argued that the petitioner's family had even given their house to the complainant for her to live in it and the complainant had even called her brother to live in the said house but however, the complainant started claiming ownership of the same and changed the locks. It is further submitted that the petitioner is not involved in any other case.

Notice of motion for 17.08.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

08.07.2022”

3. Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and the challan has been presented in the case.

4. Learned State counsel has submitted that the petitioner has joined investigation and the challan has been presented in the case.

5. Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 08.07.2022,

and also the fact that the petitioner has joined the investigation and the

challan has been presented, the present petition is allowed and the interim order dated 08.07.2022 is made absolute.

6. It is made clear that in case the petitioner threatens the complainant, then it would be open to the State to move an application for cancellation of bail.

7. Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

8. Pending miscellaneous application shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

May 09, 2023
Davinder Kumar

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