

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
204

CRM-M-29928-2023

Date of Decision: 24.07.2023

Baljinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. M.K. Singla, Advocate for
Mr. Dinesh Kumar, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 71 dated 20.05.2023 registered under Sections 498-A and 406 IPC at Police Station Sadar Sangrur, District Sangrur.

On 07.06.2023, this Court had passed the following order :-

“Present petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.71 dated 20.5.2023 under sections 498-A, 406 IPC, registered at Police Station, Sadar Sangrur, District Sangrur.

Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the present case. He submits that petitioner is the father-in-law of the complainant. It is submitted that son of the petitioner is married with the complainant and it was a love marriage as both were studying in Canada. It is submitted that marriage was also solemnized in Canada and the petitioner did not attend the same. It is further submitted that both son of the petitioner and complainant are permanent residents of Canada and the petitioner has no objection whatsoever if they reside together as husband and wife. Counsel submits

*that petitioner has been falsely implicated in this case only being the father-in-law of the complainant. Counsel has placed reliance upon the judicial precedent in case of **Arnesh Kumar V. State of Bihar (2014) 8 SCC 273**. He submits that petitioner has no criminal antecedents and in the facts and circumstances of the case neither any prima facie case is made out against the petitioner nor any custodial interrogation of the petitioner is required, however, petitioner is ready to join investigation. Notice of motion.*

On the asking of the court, Mr. Arun Gupta, AAG, Punjab accepts notice on behalf of respondent-State and Mr. M.K. Singla, Advocate accepts notice on behalf of the complainant.

Learned counsel for the complainant has opposed the submissions made by counsel for petitioner.

List on 24.7.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(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 from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.”

Learned State counsel, on instructions from ASI Jarnail Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage. Petitioner is the father-in-law of the complainant.

In view of the above, the order dated 07.06.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions

stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

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.

The petition stands disposed of.

24.07.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No