

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32035-2022

Date of Decision:24.02.2023

GURSEWAK SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. H.S. Dhindsa, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab
assisted by ASI Rajinder Singh.

Mr. K.S. Dhanora, Advocate for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

On 16.11.2022 following order was passed:

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 0059 dated 20.04.2022 under Sections 406 and 498-A IPC registered at Police Station Samrala, District Khanna.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant/respondent No.2 on 16.08.2019. The complainant/respondent No.2 intended to go abroad. She had procured an amount of Rs.13 lac from the petitioner, withdrawn the amount and also visa file. Subsequently, she has gone abroad by declaring her status to be spinster. Even the matter was referred to the Mediation but no amicable settlement could be effected.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

Mr. Naveen Siwach, Advocate, also accepts notice on behalf of respondent No.2. He has sought to dispute the assertions as put forth by the learned counsel for the

petitioner.

Learned State counsel seeks adjournment to get instructions and submit the reply.

Adjourned to 24.02.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 16.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

24.02.2023

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>