

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

202

Criminal Misc. No. M-32229 of 2023

Date of decision :-11.10.2023

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ravish Bansal, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.30 dated 20.5.2023, under Section 498-A IPC, registered at Police Station Women, District SAS Nagar.

On 07.07.2023, this Court had passed the following order

:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.30 dated 20.05.2023, under Section 498-A IPC, registered at Police Station Women, District SAS Nagar.

Learned counsel for the petitioner contends that petitioner was married to complainant on 06.02.2008 and a son was born out of the wedlock on 02.09.2010,

who is presently in the care and custody of the petitioner. It is submitted that the complainant is a quarrelsome lady, who has left the matrimonial home several times after fighting with the petitioner and gone to her parental house. Each time her father and brother had brought her back and had even executed joint affidavits dated 30.12.2014 (Annexure P-2) and dated 19.09.2017 (Annexure P-3), wherein they had admitted that the complainant is of quarrelsome nature and that she had left the matrimonial home after fighting with the petitioner and his family.

It is further submitted that Manjeet Kaur, real younger sister of the complainant is happily married to the cousin of the petitioner and it is therefore, clear that the allegations in FIR are false.

It is submitted that it is in these circumstances where the complainant did not mend her ways even after 15 years of marriage that the petitioner was constrained to file petition for divorce in September 2022 (Annexure P-5). It is submitted that it is as a counter blast to this that the complainant has filed the present FIR on 20.5.2023. It is further submitted that brother of the complainant is in the Punjab Police and therefore utterly false FIR has been registered against the petitioner.

Notice of motion for 11.10.2023.

On asking of the Court, Ms. Kanika Sachdeva, AAG, Punjab accepts notice on behalf of respondent-State.

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 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) *that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;*
- 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/her from disclosing such facts to the Court or to any police officer ;*
- iii) *that 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 as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Status report dated 11.10.2023 by way of affidavit of Dr. Jyoti Yadav, IPS, Superintendent of Police, Headquarters, District SAS Nagar, on behalf of respondent-State has been filed in Court today, which is taken on record, subject to all just exceptions. Copy of the same is handed over to learned counsel for the petitioner.

Learned State counsel, on instructions from ASI Sashvir Kumar 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.

In view of the above, the order dated 07.7.2023 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.

October 11, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No