

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM-M-33882-2023

Date of Decision: 06.10.2023

Fateh Singh Sandhu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Proxy counsel for
Mr. A.S. Manaise, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

None for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 79 dated 18.06.2023 registered under Sections 323, 313, 354, 354-B, 406, 148, 149 and 509 IPC at Police Station Phase-8, District SAS Nagar (Mohali).

On 17.07.2023, 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. 79 dated 18.06.2023, under Sections 323, 313, 354, 354-B, 406, 148, 149 and 509 IPC, registered at Police Station Phase-8, District SAS Nagar (Mohali).

As per FIR, complainant is a doctor, who married co-accused Gagandeep Singh Dhillon on 19.3.2022 and in August, 2022 she became pregnant. Some co-accused are then alleged to have given medicine to the complainant for

abortion. Later on, matrimonial relations between complainant and co-accused Gagandeep Singh Dhillon got strained and complainant started living at her parental house w.e.f. February 2023. It is further alleged that on 18.6.2023 at about 11 AM, some neighbour informed the complainant that her husband Gagandeep Singh alongwith 5-6 persons came on a car and a truck to their house in Sector 69, Mohali. Upon receiving such information, the complainant alongwith her brother Karanpal Singh and one Harpal Singh went to the spot, where a quarrel took place between the parties and the complainant party was abused and beaten up by the accused party and in the said quarrel, clothes of the complainant were also torn by the accused persons. On these allegations the FIR got registered against the accused persons.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He submits that even as per the FIR, the petitioner has no role in the abortion of the complainant and as far as the matter regarding giving beatings to the complainant party is concerned, the said allegations are against co-accused persons and not against the present petitioner. He submits that it is only on the basis of disclosure statement of Harmanpreet Singh, one of the injured, that the petitioner has been implicated in the present case as he is alleged to have given kick blow on the face of said injured. Learned counsel further submits that basically it is a matrimonial dispute between complainant and co-accused Gagandeep Singh and the petitioner being friend of said Gagandeep Singh, has been implicated in the present case. He submits that petitioner is ready and willing to join and cooperate in the investigation, if required.

Notice of motion.

On asking of the Court, Ms. Kanika Sachdeva, AAG,

Punjab accepts notice on behalf of respondent-State.

Mr. Prabhdeep S. Bhandari, Advocate has put in appearance and filed Power of Attorney on behalf of complainant, which is taken on record.

Learned State counsel seeks time to file reply/status report in the matter.

Adjourned to 06.10.2023.

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/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the order dated 17.07.2023 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Gurmeet

Kumar Saini, states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 17.07.2023 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.

06.10.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No