

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

206

CRM-M-37063-2022

Date of Decision: 29.05.2023

Balzinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Lakhwinder Singh Mann, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by ASI Sanjeev Kumar)

JAGMOHAN BANSAL, J. (ORAL)

1. On 23.08.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.119 dated 17.07.2022, registered for offences under Sections 498-A and 494 of the Indian Penal Code, 1860, at Police Station Amlah, District Fatehgarh Sahib, Annexure P-1.

By referring to allegations levelled in the FIR, Annexure P-1, counsel for the petitioner contends that there is no allegation of subjecting the complainant to cruelty. He urges that offence under Section 498-A, IPC, is not made out. He submits that sole allegation against the petitioner is of having solemnized second marriage during the subsistence of the first marriage, which is false. He has relied upon affidavit dated 09.08.2022, Annexure P-3, executed by complainant's father.

Notice of motion.

On asking of the Court, Mr. Tarun Aggarwal, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State.

List on 23.01.2023.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

2. Learned State counsel, on instructions from ASI Sanjeev Kumar, submits that petitioner has already joined the investigation and challan stands filed and presented. She further submits that no custodial interrogation of the petitioner is required.

3. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 23.08.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. 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.

5. 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

29.05.2023
Mohit Kumar

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