

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

207

CRM-M-37788-2022

Date of Decision: 23.02.2023

Lakhwinder Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ajaypal Singh Sandhu, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Resham Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 25.08.2022, 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.110 dated 01.08.2022, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Kotise Khan, District Moga, Punjab, Annexure P-1.

Counsel for the petitioner contends that complainant-wife, who is a police constable, has lodged FIR against the petitioner on the basis of false allegation as is apparent from enquiry report at page 24-25 of the paper-book. By making a reference to the joint petition, Annexure P-5, filed by the complainant along with one Sukhdeep Singh, counsel submits that the complainant had married Sukhdeep Singh in September 2015 and they had approached the learned Sessions Judge, Moga seeking protection of their lives and liberty and the complainant continues to maintain relations with him. He submits that the petitioner is ready to join the investigation and return whatever articles are in his possession.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, Deputy Advocate General, Punjab accepts notice on behalf of State-respondent No.1.

Respondent No.2 be served for 31.01.2023.

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”

Learned State counsel, on instructions from ASI Resham Singh, submits that the petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioners vide order dated 25.08.2022 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

23.02.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*