

217
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37189-2023 (O&M)
Date of decision : 08.11.2023

Atinder Pal Singh ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manmeet Singh, Advocate and
Mr. Bharat Puri, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.46 dated 10.07.2023 under Sections 406 and 498-A of the Indian Penal Code, 1860 registered at Police Station Women, District Commissionerate Ludhiana.

2. On 21.08.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.46 dated 10.07.2023 under Sections 406, 498-A of the Indian Penal Code, 1860 registered at Police Station Women, District

Commissionerate Ludhiana.

Learned counsel for the petitioner would contend that the marriage between the petitioner and the complainant was solemnized on 01.11.2021. The complainant is a permanent resident of Canada and returned to Canada on 25.12.2021. While she was in India, there was no complaint during that period of one and a half months. Thereafter, there were certain demands from the complainant for money for buying a house in Canada. There were also other amounts which were demanded and which, as per the learned counsel for the petitioner, were sent to the complainant. Subsequently, a complaint was made by the petitioner on which a report was prepared by the Assistant Commissioner of Police, Cyber Crime and Forensic, Commissionerate Jalandhar dated 24.01.2023 and the same was forwarded to the D.A. Legal for legal opinion. However, the report was not accepted by the D.A. Legal. Subsequently, the present FIR was lodged on 10.07.2023. The learned counsel for the petitioner has further contended that the complainant has never come to India after 25.12.2021 and that the complaint is being pursued by her father. Learned counsel for the petitioner, at the outset, states that the petitioner is willing to join investigation and to return whatever articles are lying with him.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab. Learned counsel for the State, on instructions from ASI-Roop Singh, has stated that the complainant has not come forward till

date and it is her father who is pursuing the present complaint. It is further stated that there is no MLR in this case and only a photograph of the injury has been provided along with the FIR.

List on 08.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the State has pointed out that the petitioner has not joined investigation despite the directions given by this Court vide order dated 21.08.2023.

4. Learned counsel for the petitioner states that the petitioner is not in contact with him and that even his family does not know about his whereabouts.

5. In view of the above, this Court is left with no other option but to dismiss the present petition for non-compliance of Section 438(2)(i) CrPC.

6. Dismissed. Pending applications, if any, also stand disposed off.

08.11.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO