

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

201

CRM-M-39971-2022

Date of Decision: 29.03.2023

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vikram Arora, Advocate for the petitioner

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

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through instant petition under Section 438 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking anticipatory bail in FIR No.109 dated 19.08.2022 under Sections 323, 498-A & 34 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Khamanon, District Fatehgarh Sahib.

On 15.12.2022, the following order was passed:-

“Learned counsel for the petitioner has submitted that in pursuance to order dated 07.09.2022, the parties appeared before the Mediation Centre, however, the same remained unsuccessful. He submits that the petitioner is working in a factory and his monthly salary is Rs.4,500/- per month.

The complainant is present in person along with her counsel. It has been submitted by counsel for the

complainant that the complainant is having the responsibility of 1½ years old child as well. He submits that mediation has failed as the petitioner did not cooperate before the Mediation Centre.

Learned State counsel has submitted that as there was no order for joining investigation, the same could not be proceeded with.

In the attending facts and circumstances, interim order dated 07.09.2022 is modified to the extent that in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- (1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- (2) 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 from disclosing such facts to the court or to any police officer.*
- (3) That the petitioner shall not leave India without prior permission of the court.*

List on 29.03.2023”

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

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 15.12.2022 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

29.03.2023
Mohit Kumar

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