

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

201

CRM-M-40106-2022

Date of Decision: 09.01.2023

Sher Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.G.B.Gilhotra , Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 05.09.2022, the following order was passed :-

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in the case on account of matrimonial discord between the petitioner's son and the complainant; the petitioner does not have any other criminal antecedents; in the FIR there is no allegation against the petitioner; it was during investigation that the allegations were raised against the petitioner of having sold a motorcycle which had been given in dowry and also pocketed the received sale proceeds; only to show his bonafides and subject to the final outcome of the petitioner's trial the petitioner is ready to return a sum of Rs.1,25,000/- and that the petitioner is also ready and willing to join and cooperate with the investigation as and when called by the investigating agency.

Notice of motion.

Mr.Navneet Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 09.01.2023.

Subject to the petitioner's depositing with the Illaqa Magistrate a sum of Rs.1,25,000/- within 10 days from today to be disbursed to the complainant against security/ surety and subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.212, dated 28.07.2022, registered under Sections 406, 498-A IPC at Police Station Kharar, District S.A.S. Nagar, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer. ”

Mr.G.B.Gilhotra, learned counsel for the petitioner submits that a sum of Rs.1,25,000/- stands deposited with Illaqa Magistrate in terms of order dated 05.09.2022 of this Court. He further submits that the petitioner has joined investigation. Nothing is to be recovered from him.

Learned State counsel on instructions from ASI Prem Chand, submits that the petitioner is not disclosing whereabouts of his son and the petitioner is father-in-law of the complainant. He further submits that petitioner has joined investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 05.09.2022 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.

(JAGMOHAN BANSAL)
JUDGE

09.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>