

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

208

CRM-M-39066-2023

Date of Decision: December 15, 2023

Sukhdev Singh

.....Petitioner(s)

Vs.

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Neeraj Madaan, Advocate
for the petitioner(s).

Mr. Hittan Nehra, Addl. A.G. Punjab

Mr. Prabhjot Singh, Advocate
for respondent No.2.

VIVEK PURI J. (ORAL)

1. On 10.08.2023, the following order was passed.

“ Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 57 dated 10.05.2023 registered under Sections 498-A, 406, 506 and 323 IPC at Police Station Sadar, Jalalabad, District Fazilka.

Briefly, the aforesaid FIR was registered upon an application moved by respondent No. 2-complainant/wife to the Senior Superintendent of Police, Fazilka, stating therein that her marriage with the petitioner was solemnized on 25.12.2019. No child was born out of the said wedlock. At the time of marriage, sufficient dowry was given by the parents of complainant. The petitioner and his family members used to harass the complainant on the pretext of bringing less dowry. Even, when the petitioner was on leave from his job from the Army from 06.11.2022 to 05.12.2022, he gave beatings to

the complainant. With these broad allegations aforesaid FIR was registered.

Learned counsel for the petitioner, inter alia, contends that petitioner has falsely been implicated in the instant case. He is working as 'Naik' in the Indian Army. It is further contended that the allegations levelled by respondent No. 2-complainant are false and fabricated. Marriage between the parties was solemnized on 25.12.2019 and it was a simple marriage. Prior to the registration of present FIR, no complaint was ever made to the police qua the alleged harassment, cruelty and beatings being given by the petitioner or his family members to respondent No. 2-complainant. The petitioner has filed a petition dated 29.03.2023 (Annexure P-2), under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights and the present FIR has been registered as a counterblast to the same. Both the injuries suffered by respondent No. 2-complainant are simple in nature. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion for 15.12.2023.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of the respondent No. 1-State and seeks time to file detailed status report in the matter.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) 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/her from disclosing such facts to the Court or to any police officer;
iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by a Co-ordinate Bench of this Court, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Paramjit, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.

4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 10.08.2023, vide which the petitioner has been granted interim bail, is made absolute.

5. Petition is allowed.

(VIVEK PURI)
JUDGE

December 15, 2023
sonia arora

Whether speaking/reasoned: Yes/No
Whether reportable: No