

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.40407 of 2023

Date of Decision : 13.12.2023

Abhishek Bansal

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.170 dated 06.08.2023 under Section 498-A of the Indian Penal Code, 1860 registered at Police Station City Moga, District Moga.

2. On 25.08.2023 the following order was passed :

“The petitioner herein seeks the relief of pre-arrest/anticipatory bail in the criminal case arisen out of the FIR bearing No.170 dated 06.08.2023 registered at Police Station City Moga, District Moga, under Section 498-A IPC.

Learned counsel for the petitioner, inter-alia, contends that it is the complainant-wife, i.e respondent No.2, who is not willing to reside with the petitioner-

husband and she has got the petitioner falsely implicated in the criminal case under reference and the petitioner has never ever subjected her (complainant) to cruelty and moreover, he is ready and willing to join in the investigation as and when so required and is also not involved in any other criminal case of the similar nature.

Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice. He seeks some time to get proper and complete instructions in the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 05.12.2023.

Notice to respondent No.2 be also issued for the date fixed, through ordinary process, e-mail or any other electronic mode.

Meanwhile, the petitioner shall join in the investigation and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall continue to join in the investigation as and when required/called upon to do

so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner states that the petitioner has since joined investigation and fully cooperated.
4. Status report by way of affidavit of Sh. Bhupinder Singh Bhullar, PPS, Deputy Superintendent of Police, (Narcotic), Moga, Additional Charge of Deputy Superintendent of Police (City), Moga, District Moga filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place.
5. Learned counsel for the State on instructions from HC Manjinder Singh has stated that the petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now.
6. In view of the above, the order dated 25.08.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.
7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

13.12.2023
jk

(ALKA SARIN)
JUDGE

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