

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46819-2021

Date of Decision:13.02.2023

SUKHBEER SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Tanisha, Advocate for
Mr. K.S. Brar, Advocate for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. Rajat Dogra, Advocate for the complainant.

JAGMOHAN BANSAL, J. (Oral)

On 08.11.2021 following order was passed:

“Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.143 dated 11.10.2021, registered under Sections 498-A, 406 and 34 of IPC, 1860, at Police Station Arniwala, District Fazilka.

Counsel for the petitioner submits that the petitioner and the complainant entered into a matrimony on 05.10.2020 and the FIR, Annexure P-1, is a result of marital discord and acrimony between the parties. He submits that the dispute between the parties has been settled by virtue of compromise, Annexure P-2, and a petition seeking divorce by mutual consent has been filed, which is fixed for 16.12.2021 for recording of the first motion before the Family Court. He submits that the petitioner is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, accepts notice on behalf of the respondent-

*State, through video conferencing.
List on 21.03.2022.*

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 08.11.2021 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

13.02.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No