

In the High Court of Punjab and Haryana at Chandigarh

201

CRM-M-43833 of 2022

Date of Decision: 16.1.2023

Gaurve Sharma

---Petitioner

versus

State of Punjab and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. A.P. Kaushal, Advocate for the petitioner
Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

On 22.9.2022, 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 and the complainant; the petitioner does not have any other criminal antecedents; the FIR in question is a counterblast to the divorce petition filed by the petitioner through which he seeks to divorce the complainant; the allegations against the petitioner of giving beatings and treating the complainant with cruelty are false and in any case not based on any evidence including medical evidence; the petitioner is ready to return to the complainant all admitted articles of istridhan/ dowry 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 respondents-State.

For arguments, adjourned to 16.01.2023.

In the meanwhile 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.116, dated 09.08.2022, registered under Sections 406, 498-A IPC at Police Station Division No. 03, District Police Commissionerate Ludhiana, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer."

Learned counsel for the petitioner states that the petitioner has joined investigation on 2.1.2023 and handed over articles which were available with him.

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

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 22.9.2022 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.

16.1.2023

paramjit

(JAGMOHAN BANSAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No