

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44929-2022 (O&M)
Date of order: 26.04.2023

Pushpender Singh Tanwar
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Harish Mehla, Advocate
for the petitioner(s).
Mr. Virat Rana, AAG, Punjab.
Mr. Surender Pal, Advocate
for the complainant.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
226	12.8.2022	City Kharar, District SAS Nagar	406, 420, 465, 467, 471, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 18 of the bail petition, the accused declares that he has no criminal history except a case under Section 498A, 323 IPC and 3 & 4 of Prevention of Domestic Violence Act, 2005.
3. Vide order dated 28.09.2022, the petitioner was granted interim protection, which is continuing till date.
4. The petitioner’s counsel submits that the petitioner has declared all his assets in terms of the previous order and his custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. The State’s counsel opposes the bail.

6. On the other hand, counsel for the complainant has also opposed continuation of interim bail on the ground that one Scorpio car, which was sold by the petitioner by forging the documents and also other necessary documents are yet to be recovered from the petitioner.
7. Counsel for the petitioner submits that he would have no objection in case the petitioner is again directed to join investigation, however, he submits that the petitioner is working in Indian Navy and presently, he is posted in Andaman and Nicobar and as and when he returns, he will join investigation.

REASONING:

8. Thus, there would be no justification to keep this bail pending waiting for the proper investigation. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the victim or victim’s family or the witnesses or that he had hampered the investigation, or despite being called to join the investigation, he did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, and the same is made absolute subject to the petitioner complying with the terms of the bail order with a further direction that as and when the petitioner returns home he will appear before the Investigating Officer and join investigation.
9. Accordingly, the **present petition allowed** and interim order is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

April 26, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No