

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-48447-2022

Date of Decision: 06.02.2023

Ajay Kumar Gangar

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Anil Kumar Spehia, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab

Ms. Sonia, respondent No.2 in person

JAGMOHAN BANSAL, J. (ORAL)

On 13.12.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0236 dated 28.08.2022, registered for offences under Sections 406, 498-A and 323 of the Indian Penal Code, 1860, at Police Station Phillaur, District Jalandhar, Punjab, Annexure P-1.

In compliance of order dated 01.12.2022, petitioner has deposited a demand draft of Rs.55,000/- drawn in the name of complainantrespondent No.2 (inadvertently typed as complainant-respondent No.1 in order dated 01.12.2022, which is ordered to be corrected), with the Registrar General of this Court.

Counsel for the petitioner submits that the petitioner is ready to explore the possibility of settlement, as he has instituted the petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights, which is pending.

Issue notice to the respondents returnable on 06.02.2023. On asking of the Court, Mr. P.S.Grewal, DAG, Punjab, accepts notice on behalf of State-respondent No.1. Upon instructions from ASI, Gopal, he submits that recovery is to be effected from the petitioner.

Respondent No.2 be served for the date fixed.

Petitioner is directed to appear before the Investigating Officer on 19.12.2022 at 10.00 A.M. at Police Station phillaur, District Jalandhar, Punjab, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He 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 bail granted to the petitioner vide order dated 13.12.2022 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.

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.

The Register General of this Court is directed to return Demand Draft of Rs.55,000/- which the petitioner has deposited with this Court.

Learned counsel for the petitioner is at liberty to appear before the Registrar General on any working day and collect the aforestated demand draft.

(JAGMOHAN BANSAL)
JUDGE

06.02.2023
Mohit Kumar

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