

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

CRM-M-49984-2022

Date of Decision: 26.04.2023

Gurdeep Singh @ Gurdeep Singh Rupana**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Anoop Verma, Advocate for the petitioner

Mr. Vipin Pal Yadav, Addl. AG, Punjab

Mr. Amit Dhawan, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 09.11.2022, 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.99 dated 28.08.2022, registered for offences under Sections 498-A and 406 of the Indian Penal Code, 1860, at Police Station Sadar Kapurthala, District Kapurthala, Annexure P-1.

Counsel for the petitioner contends that allegation of entrustment of Rs.1,96,000/- is false, in fact, the brother of the complainant invested the said amount in the stock market through the petitioner, but suffered losses and upon encashing the investment, balance amount of Rs.1,30,000/- has been returned vide receipts, which are appended as Annexure P-2, collectively. Counsel has filed an affidavit of the petitioner dated 31.10.2022, which is taken on record, and has submitted that without admitting allegations

levelled in the FIR, the petitioner is ready to return the articles as deposed by him in para 3 thereof. Still further, he submits that the petitioner wants to amicably resolve the matrimonial dispute.

Notice of motion.

On asking of the Court, Mr. Mohit Choudhary, AAG, Punjab, accepts notice on behalf of the respondent-State.

List on 07.03.2023.

Petitioner is directed to appear before the Investigating Officer on 17.11.2022 at 10.00 A.M. at Police Station Sadar Kapurthala, District Kapurthala, 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.

The petitioner shall return the articles as mentioned by him in his affidavit dated 31.10.2022, on the day, he joins the investigation. This will be without prejudice to his right of defence.”

2. Learned counsel for the complainant submits that police has not effected the recovery.

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

submits that recovery has already been made from the husband, however, no recovery has been made from in-laws of the complainant.

4. In view of the above facts and circumstances, the petition is allowed and the interim bail to the petitioner vide order dated 09.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

5. 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

26.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>