

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48569-2023(O&M)
Date of decision : 08.11.2023

Harpreet Singh ... Petitioner(s)

Versus

State of Punjab & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Harish Goyal, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Mr. G.S. Gill, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.75 dated 07.09.2023 registered under Sections 406, 498-A of the Indian Penal Code, 1860 at Police Station Women, District Patiala.
2. On 25.09.2023 the following order was passed :

“The petitioner through this petition seeks grant of anticipatory bail in case FIR No.75 dated 07.09.2023 registered under Sections 406, 498-A IPC at Police Station Women, District Patiala.

Learned counsel for the petitioner inter alia contends that the marriage between the petitioner and the complainant was solemnized on 23.04.2022. There were

some temperamental differences between them, ultimately which led to the filing of divorce petition by the husband on 27.09.2022 and as a counter blast to the same respondent No.2 has made a complaint dated 27.10.2022, on the basis of which the present FIR was registered on 07.09.2023.

Notice of motion for 08.11.2023 subject to deposit of Rs.25,000/- as litigation expenses with the Registry of this Court, payable to the respondent No.2 on her appearance before the Mediation and Conciliation Centre of this Court.

Ms. Ishma Randhawa, Addl. A.G. Punjab accepts notice on behalf of the respondent-State.

At this stage, Mr. Gaganvir Singh Gill, Advocate has appeared on behalf of respondent No.2 - complainant and filed his Vakalatnama, which is taken on record.

Registry is directed to tag the same at an appropriate place.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 03.10.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer within ten days. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do.

2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the Court.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated and returned all the articles.

4. Learned counsel for the State, on instructions from ASI Tejinder Kaur, has stated that the petitioner has since joined investigation and that all articles barring one kitty set and one ring remain recovered. Learned counsel has pointed out that the same are not with the petitioner and in fact are with the complainant herself. Learned State counsel has further pointed out that the petitioner is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 25.09.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

08.11.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO