

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

213

CRM-M-52505-2022

Date of Decision: 17.02.2023

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

Present:- Mr. L.S. Mann, Advocate for
Mr. Inder Pal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Balwinder Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 18.01.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No. 134 dated 11.9.2022, under Sections 498-A, 406, 354-A and 34 IPC, registered at Police Station Sadar Batala District Batala (Gurdaspur).

Learned counsel for the petitioner inter alia contends that marriage between the petitioner and complainant was solemnized on 20.1.2020 and FIR has been registered on 11.9.2022. There is dispute between the parties on account of temperamental issues whereas there is no demand of dowry. The parties many times have entered into compromise which shows that there was no demand of dowry. The petitioner is not involved in any other offence. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

The petitioner has not impleaded complainant as respondent.

On his oral request, complainant is impleaded as respondent No. 2. Learned counsel for the respondent undertakes to file amended Memo of parties during course of the day.

Notice of motion returnable for 17.02.2023.

On the asking of Court, Mr. Amish Sharma, who is present in court on advance notice, accepts notice on behalf of State-respondent.

The petitioner shall pay Rs.20,000/- to respondent No. 2- complainant towards costs of litigation.

*Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273**, at the first instance, the petitioner is directed to appear before investigation officer on 25.01.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

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.”

Learned State counsel, on instructions from ASI Balwinder Singh, submits that the 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 18.01.2023 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.

(JAGMOHAN BANSAL)
JUDGE

17.02.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*