

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

201

CRM-M-54701-2022

Date of Decision : 16.03.2023

Harjit Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ravinder Pankaj, Advocate for
Mr.R.K.Arya, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 24.11.2022, the following order was passed :-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0296, dated 15.10.2022, under Sections 498-A, 406, 34 IPC, registered at Police Station Civil Lines Batala, District Batala.

It has been contended by counsel for the petitioner that the petitioner solemnized marriage with the complainant on 24.04.2020. He submits that due to temperamental differences between husband and wife, there was matrimonial discord, however the same was due to wear and tear of the marriage. He submits that despite the efforts made by the petitioner, the complainant left the matrimonial home in July 2022. He has submitted that the petitioner also filed a petition under

Section 9 of the Hindu Marriage Act, which is pending adjudication. He submits that FIR has been lodged on the basis of false and frivolous allegations. He has submitted that there is no truth in the allegations of harassment to the complainant on account of dowry and taunting etc. He submits that petitioner is ready to settle the dispute even now if the matter is referred to Mediation Centre. He relies upon Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (Crl.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 16.03.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Petitioner is also directed to pay Rs.15,000/- as litigation expenses to respondent No.2/complainant within one month from today.

In the meanwhile, 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. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(ii) 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; (iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.”

Learned State counsel on instructions from ASI Bindu Kumari submits that the petitioner has 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 24.11.2022 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.

16.03.2023
anju

(JAGMOHAN BANSAL)
JUDGE

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

