

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**206-1****CRM-M No.55299 of 2022 (O&M)****Date of Decision : 21.12.2023**

Amit Bhatia

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

Mr. Vishal Sharma, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)**CRM-52410-2023**

1. This is an application for placing on record a copy of the General Diary Details as Annexure P-5 and also for exemption from filing certified copy thereof.

2. For the reasons stated in the application the same is allowed as prayed for and copy of the General Diary Details is taken on record as Annexure P-5. CRM stands disposed off.

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3. This is an application for addition of Section 406 of the Indian Penal Code, 1860 in the headnote as well as in the prayer clause of the main petition.

4. For the reasons stated in the application, the same is allowed. Registry to make necessary addition/correction in the headnote as well as in the prayer clause of the main petition. CRM stands disposed off.

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5. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.154 dated 24.09.2022 registered under Section 498-A, 120-B and 406 of the Indian Penal Code, 1860 at Police Station City Batala, District Police Batala District Gurdaspur.

6. On 30.11.2022 the following order was passed :

“Present petition is under Section 438 Cr.P.C for seeking anticipatory bail to the petitioner in case bearing FIR No.154 dated 24.09.2022, registered under Section 498-A/120-B IPC, 1860, at Police Station City Batala, District Batala.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 29.07.2020. The dispute between the parties had arisen as the complainant had concealed the fact of her earlier marriage when her marriage was solemnized with the petitioner. Even, at the earlier instance, an amicable settlement was effected between the petitioner and the complainant. The FIR has been registered only under Section 498-A IPC and not under Section 406 IPC. The parents of the petitioner have been granted interim bail by this Court in terms of order dated 14.11.2022 passed in CRM-M 46677-2022.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 19.01.2023.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation

and comply with other conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-46677-2022.”

7. Learned counsel for the petitioner states that the petitioner has since joined the investigation and fully cooperated.

8. On the previous date the parties were directed to remain present in Court to explore the possibility of a compromise, however, respondent No.2 is not present.

9. Learned State counsel on instructions from SI Balraj Singh has stated that the petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now. It has further been stated that though there is a list of gold articles which has been supplied to the Investigating Agency, however, the same is not supported by any bills.

10. In view of the above, the order dated 30.11.2022 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.

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

(ALKA SARIN)
JUDGE

21.12.2023
jk

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