

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

208

CRM-M-56528-2022

Date of Decision: 27.03.2023

Karampal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Manjeet Saini, Advocate for the petitioner

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

JAGMOHAN BANSAL, J. (ORAL)

On 06.01.2023, 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.54 dated 10.09.2022 (Annexure P-1) registered at Police Station PS Women, District Bathinda, under Sections 498-A and 406 of IPC.

Learned counsel for the petitioner inter alia contends that marriage of the petitioner with complainant was solemnized on 05.06.2015 and FIR alleging commission of offence punishable under Section 498-A and 406 of IPC has been registered on 10.09.2022. The petitioner filed petition under Section 9 of Hindu Marriage Act which was withdrawn. The petitioner in 2020 filed petition under Section 13

seeking divorce. The co-accused i.e. mother of the petitioner has already been granted anticipatory bail. From the perusal of FIR, it transpires that there is no allegation of dowry in true sense whereas complainant is alleging harassment. The petitioner vide order dated 15.11.2022 passed by ASJ, Bathinda was granted interim bail and matter was referred to Mediation Centre. The petitioner has never committed cruelty. The petitioner is not involved in any other offence. The petitioner is permanent resident of Jind and staying with his family members. The petitioner is ready to join investigation and face trial. 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.

Notice of motion returnable for 24.02.2023.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, seeks time to file status report.

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 12.01.2023 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.”

Status report by way of affidavit dated 26.03.2023 of Heena Gupta, P.P.S., Deputy Superintendent of Police (Crime Against Women and Children) Bathinda, District Bathinda filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

Learned State counsel, on instructions from ASI Resham Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 06.01.2023 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

27.03.2023
Mohit Kumar

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