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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57773-2022

Date of Decision:10.03.2023

JASKARAN SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. J.S. Rana, Advocate for
Mr. Bhawesh Chaudhary, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab
assisted by ASI Sohan Singh.

JAGMOHAN BANSAL, J. (Oral)

On 12.12.2022, following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No. 161 dated 28.08.2022 under Sections 316, 498-A, 120-B, 34 IPC, registered at Police Station Dakha, Ludhiana Rural. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized about 8 months prior to the occurrence. As per the allegations, on 17.08.2022, the petitioner along with his parents had visited the parental house of the complainant. The petitioner gave beatings and kicks to the complainant in her abdomen while she was running 6th month of pregnancy. The complainant was shifted to hospital on 23.08.2022 where abortion took place. The petitioner had been providing the treatment to the

complainant and paying for the expenses. The parents of the petitioner have been granted interim bail by this Court.

Notice of motion.

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

Learned State counsel seeks time to get instructions with regard to the reasons specified in the hospital record with regard to the cause of abortion. ”

On 10.01.2023 after noticing order dated 12.12.2022 following order was passed:

“Learned State counsel on instructions from SI Sharanjeet Singh submits that as per the opinion of doctor, there is no obvious external visible mark of injury qua assault on 17.08.2022.

Adjourned to 10.03.2023.

Meanwhile, the petitioner shall join the investigation on 24.01.2023 and would remain present as and when summoned by Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

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. ”

Learned State counsel submits that petitioner has already

joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 10.01.2023 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

10.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>