

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58802-2022 (O&M)

Date of Decision : 12.07.2023

Hunny Bansal

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Ridhi Bansal, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG Punjab.

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ALKA SARIN, J. (Oral)

1. 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.96 dated 02.10.2022 registered under Sections 498-A, 406 of the Indian Penal Code, 1860 (Sections 323, 313, 34 IPC added later on) at Police Station Dhakoli.

2. On 16.12.2022 the following order was passed :

“Petitioner is seeking anticipatory bail in case bearing FIR No. 96 dated 02.10.2022 under Sections 498A, 406 (Sections 323, 313, 34 added later on), registered at Police Station Dhakoli.

Learned counsel for the petitioner contends that at the initial instance, the FIR was registered under Section 498-A IPC against the husband of the complainant. The petitioner is the brother-in-law of the

complainant. In terms of entry in GD No.27 dated 11.11.2022, the petitioner along with his mother and sister were also arraigned as accused and offence under Sections 323, 313 read with Section 34 IPC has been added. Primarily, the allegations against the petitioner and the co-accused who have been arraigned at a subsequent stage are to the effect that they had physically assaulted the complainant which resulted in mis-carriage. The complainant was in the initial stage of pregnancy. There is no concrete medical opinion to indicate that the cause of abortion was the result of physical assault. The mother and the sister of the petitioner have been granted pre-arrest bail by the Court of Sessions.

Notice of motion. Mr. Iqbal Singh Mann, DAG Punjab accepts notice on behalf of the State.

Adjourned to 02.03.2023.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for 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.”

3 Learned counsel for the State, on instructions from ASI Labh Singh, states that the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

4. In view of the above, the order dated 16.12.2022 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

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

12.07.2023
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(ALKA SARIN)
JUDGE

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