

CRM-M-61147-2022

-1- 2023:PHHC:079774

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61147-2022

Date of Decision:31.05.2023

MANDEEP KUMAR

..... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Surender Lamba, Advocate with
Mr. Sourabh Sheoran, Advocate for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab
assisted by ASI Davinder Pal Singh.

Mr. Saksham, Advocate for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

1. On 02.01.2023, the following order was passed:

“The petitioner seeks grant of anticipatory bail in case bearing FIR No.135 dated 30.11.2022 registered under Sections 406 and 498-A IPC at Police Station Women, Ludhiana.

It is inter alia contended by learned counsel for the petitioner that the alleged incident is of 23.03.2022 whereas FIR has been registered only on 30.11.2022. Learned counsel refers to Para 9 of the petition to state that in any event, the petitioner has already joined investigation earlier on 13.12.2022.

Notice of motion for 16.03.2023.

Ms. Shivani Sharma, DAG, Punjab accepts notice on behalf of the respondent-State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section

438(2) Cr.P.C:

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

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/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report on or before the next date of hearing.”

2. On 18.05.2023, the following order was passed:

“Status report by way of affidavit dated 14.03.2023 of Gopal Singh, P.P.S., ACP, CAW & C-Cell, Ludhiana, District Police Commissionerate Ludhiana, filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

As per status report, apart from other articles, one WagonR car bearing registration No. HR-77-A-1106 is yet to be recovered.

Learned counsel for the petitioner submits that aforesaid car was registered in the name of the complainant/respondent No.2 and it is in her possession. The complainant/respondent No.2 is misleading the Court by saying that car is in the possession of petitioner.

The Investigating Officer is directed to trace out Maruti Suzuki WagonR car bearing registration No.HR-77-A-1106.

Adjourned to 31.05.2023.

Interim order to continue.”

3. Learned State counsel submits that afore-stated car is in the

custody of complainant and it is lying parked in the rented accommodation of the complainant. The Investigating Officer has recorded statement of neighbourers of the complainant who have confirmed that car is lying with complainant.

4. Learned counsel for the complainant submits that petitioner does not deserve concession of bail.
5. Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.
6. In view of the above-stated facts and circumstances, the present petition deserves to be allowed and accordingly allowed. The interim protection granted to the petitioner vide order dated 02.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C
7. 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.
8. 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

31.05.2023

Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No