

CRM-M-59874-2023 (O&M)

210(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59874-2023 (O&M)

Date of Decision: 20.12.2023

DALIP SINGH CHAUHAN

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. ADS Sukhija, Advocate and
Mr. Satpal Bhasin, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 97 dated 27.07.2023 registered under Sections 420, 494, 506 and 120-B of Indian Penal Code at Police Station Banur, District Patiala.

2. On 29.11.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.97 dated 27.07.2023 registered under Sections 420, 494, 506, 120-B IPC at Police Station Banur, District Patiala.

Learned counsel for the petitioner, inter alia, contends that the petitioner is 74 years of age and the present FIR is an outcome of the matrimonial dispute between the petitioner and his wife, who had earlier made a complaint to the SHO, Police Station Mangolpuri, Delhi on 09.02.2023 on similar allegations. The allegations contained in the FIR are to

the extent that the complainant has been removed as Director of the company for which the proceedings before the National Company Law Tribunal, Chandigarh Bench are pending. The co-accused has already been granted the concession of ad interim anticipatory bail vide order dated 20.11.2023 passed by this Court in CRM-M No.58456 of 2023.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 08.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the 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.

Adjourned to 20.12.2023.
To be heard along with CRM-M No.58456 of 2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Ram Kishan, submits that in compliance of order dated 29.11.2023 passed by this Court, the petitioner has joined the investigation on 06.12.2023 and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 29.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

20.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No