



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-767-2024 (O&M)

Date of Decision: 13.08.2024

Gurminder Singh Bansal @ Bunty

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Bharat Kumar, Advocate for respondent No.2.

HARPREET KAUR JEEWAN, J (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.47 dated 01.06.2023, under Section 498-A of IPC, 1860, registered at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar (Annexure P-1).

2. On 08.05.2024, the following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C.for grant of anticipatory bail to the petitioner in case FIR No. 47 dated, 01.06.2023 registered at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar, under Section 498-A of the IPC.



As per the report of the Mediation and Conciliation Center, the mediation failed.

The State has filed the status report. However, learned counsel for the petitioner very candidly submitted that he would submit an FDR in the sum of Rs. 50,000/- in the name of the child which he would be able to receive on attaining the age of majority. However, the petitioner would continue paying a sum of Rs.5000/- p.m. for maintenance of the child during the pendency of the proceedings in the present FIR.

Adjourned to 29.07.2024.

In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

- (i) That the petitioner shall further make himself available for interrogation by a police 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 from disclosing such facts to the Court or to any police officer.*
- (iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.”*

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated



08.05.2024, passed by this Court. Learned counsel for the petitioner submits that the FDR for a sum of Rs.50,000/- in the name of the child could not be prepared as the complainant/respondent No.2 did not take the child in person in the bank and did not open the bank account. However, he is ready to make the payment in cash which he has brought today in the Court.

4. Learned State counsel, on instructions from the Investigating Officer, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.

5. Learned counsel for respondent No.2 submits that respondent No.2 is having difficulty to open a bank account at Banga, District Shaheed Bhagat Singh Nagar, however, she is having a bank account at Mahalpur, District Hoshiarpur.

6. In view of the aforesaid facts and circumstances of this case and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 08.05.2024, granting interim bail to the petitioner is made absolute, subject to the conditions as follows:-

1. That the petitioner would continue paying a sum of Rs.3000/- per month for maintenance of the child during the proceedings in the present FIR instead of Rs.5000/- as noted in the order dated 08.05.2024.

2. A sum of Rs.50,000/- be deposited in the shape of FDR in the name of child Harmanpreet Singh within a period of 15 days from today in terms of the order dated 08.05.2024. In



case the bank details of the minor child are not provided by the counsel for respondent No.2, the petitioner would be at liberty to deposit the said amount in the shape of FDR in the name of Registrar General of this Court.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13.08.2024
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No