

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1652 of 2024

DATE OF DECISION :- 20.02.2024

Ravinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gursimran S. Bawa, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. B.S. Bhalla, Advocate for complainant/respondent No. 2.

SUMEET GOEL, J. (Oral)

1. On 12.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 114 dated 07.11.2023 registered for offences punishable under Section 498-A IPC at Police Commissionerate, Amritsar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

At the outset, learned counsel for the petitioner submits that due to inadvertence the complainant could not be arrayed as a party-respondent. At his oral request, Jyoti daughter of Lakhwinder Singh, resident of village Basarke Bhaini, Tehsil and District Amritsar is impleaded as a party-respondent No. 2.

The Registry is directed to carry out necessary correction in the memo of parties.

Inter alia contends that FIR in question is result of matrimonial discord between the petitioner-husband and complainant-wife & the petitioner is willing to join investigation and cooperate therein. In this context, learned counsel for the petitioner has relied upon judgment of Hon'ble Supreme Court in 'Md. Asfak

Alam versus The State of Jharkhand and another' 2023(3) R.C.R. (Criminal) 754.

Notice of motion.

On asking of the Court, Mr. Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 20.02.2024.

The petitioner is directed to appear before the Investigating Officer on 22.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

2. Mr. B.S. Bhalla, Advocate (appearing for respondent No. 2) has vociferously opposed the prayer made by learned counsel for the petitioner by arguing that the allegations made against the petitioner are serious in nature.

3. Learned State counsel, on instructions from ASI Satbir Singh, has stated that pursuant to the order dated 12.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition stands allowed and the interim order dated 12.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition

stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

20.02.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No