

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-1785-2024 (O&M)**

**DATE OF DECISION : 01.04.2024**

**GURMAIL SINGH**

**... PETITIONER**

**V/S**

**STATE OF PUNJAB AND ANOTHER**

**... RESPONDENTS**

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Mahesh Sharma, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

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**HARPREET KAUR JEEWAN, J. (ORAL)**

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.29 dated, 25.04.2019, registered at Police Station Sadar Kurali, District SAS Nagar, under Sections 376, 328, 326-B, 354, 326, 506, 120-B IPC and Section 323 IPC (added later on).

2. Mr. Mahesh Sharma, Advocate has filed power of attorney on behalf of petitioner and submitted that the earlier counsel has joined the Office of Advocate General, Punjab.

3. Respondent No.2 is present in person and she has submitted the copy of her Aadhar card regarding her identity.

4. On 05.02.2024 following order was passed:

“xxxx Learned counsel for the petitioner inter alia contends that the petitioner was falsely implicated in this case at the instance of respondent No. 2 (complainant) who is the daughter-in-law of the petitioner. The matter has now been compromised between the parties. A copy of the compromise deed has also been annexed as (Annexure P-2) with the present petition. The other co-accused of the petitioners have also been

granted the concession of anticipatory bail by the learned Judge, Special Court, SAS Nagar. The petitioner was out of India since 05.04.2019 and he came back to India only on 06.11.2023, as per the relevant entries mentioned in his passport (Annexure P-2). He has no knowledge about the registration of the present FIR.

3. He further submits that the petitioner has never been declared as a Proclaimed Offender by the trial Court and the 'challan' against the petitioner is yet to be presented.

4. Notice of motion.

5. On advance notice, Ms. Himani Arora, A.A.G., Punjab, appears on behalf of the State and seeks time to file status report.

6. Adjourned to 01.04.2024 for service of respondent No. 2.

7. 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. ”

5. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by this Court.

6. Status report filed by way of affidavit of Dharamvir Singh, Deputy Superintendent of Police, Sub Division Kharar-II, District SAS Nagar (Mohali) on behalf of the State has been taken on record, wherein this fact has been confirmed that petitioner Gurmail Singh has joined the investigation on 07.02.2024 in compliance of the order dated 05.02.2024 passed by this Court. It is further submitted in the status report that during the investigation, the complainant did not produce any record of Parmar Hospital Ropar regarding the alleged treatment obtained on account of acid

thrown on her or the record of Navjot Nursing Home regarding the alleged abortion. As such, the offence under Sections 328, 354, 326-B IPC were deleted from the array of offences. The report under Section 173 Cr.P.C. was prepared and presented before the trial Court on 24.08.2022. Out of total 15, 2 prosecution witnesses have been examined.

7. The complainant was also interacted with by the Court and she submits that she does not oppose the present bail application.

8. In view of the reasons recorded in the order dated 05.02.2024 and keeping in view the aforesaid facts and circumstances, the present petition is allowed and the order dated 05.02.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

**01.04.2024**

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**(HARPREET KAUR JEEWAN)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*