

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-3406-2024

Date of Decision: 02.05.2024

Najam Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. RVS Chugh, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 0123 dated 02.10.2022 (Annexure P-1) registered under Sections 498-A, 406 and 506 IPC at Police Station Boha, District Mansa.

On 06.02.2024, when this case was listed for hearing, following order was passed by this Court:-

“CRM-4682-2024

This is an application for preponement of the date fixed in the main petition i.e. CRM-M-3406-2024.

Notice of this application.

Mr. Kunwarbir Singh, AAG, Punjab accepts notice of the application and states that he has no objection in case the application is allowed.

Accordingly, the application is allowed and the main petition fixed for 16.02.2024 is preponed for today and taken on board.

CRM-M-3406-2024

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0123 dated 02.10.2022 (Annexure P-1), under Sections 498-A, 406 and 506 IPC, registered at Police Station Boha, District Mansa.

Learned counsel for the petitioner/husband inter alia submits that the petitioner is posted in the Army at Srinagar and currently is on leave. It is submitted that the petitioner

was married to respondent No.2 on 05.12.2018 and they have been living separately since 15.1.2020. No child has born out of the said wedlock. It is further submitted that the allegations levelled in the FIR against the petitioner are false and fabricated and even a compromise has been effected between the parties and a petition i.e. CRM-M-32680-2023 for quashing of FIR on the basis of compromise has been filed, which is pending for 17.05.2024.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of State and seeks time to file reply in the matter.

Adjourned to 02.5.2024.

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 interim 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 fresh affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the order dated 06.02.2024, passed by this Court, the petitioner has joined the investigation.

Fresh status report dated 29.04.2024, filed by way of affidavit of Sh. Manjit Singh, Deputy Superintendent of Police, Sub-Division Mansa, District Mansa, on behalf of respondent No. 1-State in compliance of order dated 06.02.2024, is taken on record. A copy thereof, has been supplied to learned counsel for the petitioner in Court

today.

On instructions from ASI Gurmeet Singh, learned State counsel submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 10.02.2024; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 06.02.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

02.05.2024

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No