



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M-6724-2024

Date of Decision: 11.07.2024

Mandhir Singh Boria

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Suresh Pal, Advocate
for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 438 Cr.P.C.
is for grant of anticipatory bail to the petitioner in case FIR No. 04 dated
08.1.2024 (Annexure P-1), under Sections 406 and 498-A IPC, registered
at Police Station Women, SAS Nagar (Mohali).

On 08.02.2024, when this case was listed for hearing,
following order was passed by this Court:-

*“Prayer in this petition filed under Section 438
Cr.P.C. is for grant of anticipatory bail to the petitioner in
case FIR No. 04 dated 08.1.2024 (Annexure P-1), under
Sections 406 and 498-A IPC, registered at Police Station
Women, SAS Nagar (Mohali).*

*Learned counsel for the petitioner/husband of the
complainant inter alia submits that the petitioner was
married to the respondent No.2/complainant/wife on
20.02.2022 and no child was born out of the said wedlock.*



It is submitted that the parties are living separately since 23.7.2023. Learned counsel submits that the whole family, including brother-in-law, sister-in-law and mother-in-law of the complainant have been embroiled because of the false and fabricated allegations made against them in the FIR in question. It is submitted that formal and routine allegations have been levelled against the petitioner in the FIR.

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 11.7.2024.

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 an affidavit 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 08.02.2024 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from HC Ghanshyam, submits that the total recovery has been effected from the petitioner. It is further submitted that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation 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 08.02.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will 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, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

11.07.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No