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210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6869-2024 (O&M)
DATE OF DECISION : 28.05.2024

PRINCE PAL SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Jasdeep Singh Salooja, Advocate for
Mr. Deepak Sabherwal, Advocate the petitioner.

Ms. Sakshi Bakshi, AAG, 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. 0068 dated, 23.04.2019, registered at Police Station City-I, District Sangrur, under Section 420, 120-B IPC (Sections 406 and 498-A of the IPC were added later on).

2. On 08.02.2024 following order was passed:

“xxxx Learned counsel for the petitioner inter alia contends that after the marriage which was solemnized on 01.12.2017, both the parties lived abroad. The petitioner was residing in Australia on “working visa” since 16.06.2016 and he had to withdraw the application for permanent residency in the year 2022 because the business sponsoring of the petitioner was closed due to Covid-19 pandemic. However, respondent No. 2- wife could not succeed in settling down in Australia, as such, a false FIR was got registered. The complainant-wife has also filed a petition under Section 13 of the Hindu Marriage Act, 1955 before the Family Court, Sangrur (Annexure P-3). The petitioner had even joined the inquiry during the year 2018 before registration of the present FIR. He intends to visit to India. He is apprehending his arrest.

3. Notice of motion.



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4. Having received advance copy of the application, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1-State and prays for time to file status report.

5. Mr. Deepak Goyal, Advocate, accepts notice on behalf of respondent No. 2 and filed his memorandum of appearance in Court today. The same is taken on record. He is directed to file his power of attorney by the next date of hearing.

5. He submits that respondent No. 2 is also ready to settle the matter amicably and further informs that both the parties have filed separate divorce petitions.

6. Adjourned to 28.05.2024.

7. In the meanwhile, the petitioner is directed to appear before the investigating officer within ten days and in the event of arrest, he shall be released on interim bail to the satisfaction of the arresting officer and no coercive action shall be taken in between, 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.

8. The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 20.02.2024 subject to the condition that costs of Rs.40,000/- as litigation expenses by way of a demand draft in favour of respondent No. 2 be deposited on behalf of the petitioner in the Registry of this Court, within a period of one week from today, which shall be handed over to respondent No. 2 by the learned Mediator, when she appears before him.

9. The report of the learned Mediator be awaited for the date fixed.”

3. As per the report of the Mediation and Conciliation Center of this Court, the mediation has failed.

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

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5. Learned State counsel, on instructions from SI Harjeet Singh, has also confirmed that the petitioner has joined investigation. State counsel further informs that custodial interrogation of the petitioner is not required.

6. In view of the aforesaid facts and the reasons recorded in the order dated 08.02.2024 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 08.02.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

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

28.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*