

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

266

CRM-M-8232-2024

Date of Decision: 24.07.2024

Kuldeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rahul Bhargava, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

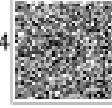
NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 11 dated 16.01.2024 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Lopoke, District Amritsar (Rural).

On 15.02.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this 1st petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 11 dated 16.01.2024 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Lopoke, District Amritsar Rural.

Learned counsel for the petitioner, inter alia, submits that the petitioner before this Court is the brother-in-law (Jeth) of complainant-Ramandeep Kaur; complainant was married to the brother of the petitioner on 09.02.2019. No child was born out of the said wedlock. It is submitted that the present FIR emanates from the matrimonial dispute between the brother of the petitioner and the complainant, as the complainant had earlier also filed a complaint on 19.05.2023 (Annexure P-2); wherein no allegations whatsoever were made against the present petitioner.



Thereafter, the said complaint was withdrawn by the complainant, as is evident from police report dated 21.06.2023 (Annexure P-3). It is only in the present FIR that the complainant has improved her version and embroiled the petitioner too in the present case and made utterly false and concocted allegations against the present petitioner. It is further submitted that nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of the respondent-State; whereas Mr. S.S. Khaira, Advocate, has put in appearance on behalf of the complainant and submits his Vakalatnama, which is taken on record.

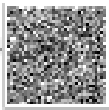
Learned counsel for the complainant while vehemently opposing the prayer for grant of anticipatory bail to the petitioner submits that serious allegations have been made against the present petitioner. However, he is unable to give any explanation as to why the said allegations now made by the complainant were not made by her in her first complaint (Annexure P-2).

Adjourned to 24.07.2024.

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/status report as to the exact role of the petitioner along with 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 15.02.2024 the petitioner has joined the investigation.

On instructions from ASI Baldev Singh, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 06.06.2024 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 15.02.2024 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 co-operate 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.

Pending application(s), if any, shall also stand disposed of.

24.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No