



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

270

CRM-M-8769-2024

Date of Decision: 09.07.2024

Bobby Sharma

.... Petitioner

Versus

State of Punjab and another

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Bhavnik Mehta, Advocate for the petitioner.

Ms. Rishu Madan, AAG, Punjab.

Dr. Harleen Kaur, Legal Aid Counsel for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Vakalatnama filed on behalf of respondent No. 2-complainant is taken on record.

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 116 dated 27.12.2023 (Anenxure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, Patiala.

On 06.03.2024, 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.116 dated 27.12.2023 (Annexure P-1), under Sections 406 and 498-A IPC, registered at Police Station Women, Patiala.

Learned counsel for the petitioner inter alia submits that the petitioner was married to the complainant/respondent No.2 herein on 12.12.2020 and they have been residing separately since July 2022. No child was born out



of the said wedlock. It is submitted that the complainant has made routine, general and vague allegations against the petitioner as nothing specific has been stated therein. Approximately an amount of Rs.2,00,000/- was spent by the complainant side on the marriage. It is stated that as per the allegations regarding istridhan (customary gifts) given in the marriage, the petitioner has only one gold chain, one double bed and sofa set, which he is willing to return to the complainant.

Notice of motion.

On asking of the Court, Mr. Sukhsandesh Singh Chahal, AAG, Punjab accepts notice on behalf of respondent No.1-State and seeks time to file reply in the matter.

Adjourned to 09.07.2024.

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 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 06.03.2024 the petitioner has joined the investigation.

Status report dated 09.07.2024 filed by way of affidavit of Ms. Sarabjit Kaur, Deputy Superintendent of Police, PBI/Crime Against Women and Children, District Patiala, on behalf of respondent No. 1-State is taken on record.



Copies thereof, have been supplied to learned counsel for the petitioner as well as to learned counsel for respondent No. 2-complainant.

On instructions from ASI Narinder Kaur, 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 21.03.2024 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 06.03.2024 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.

09.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**