

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-10869-2023

Date of decision:10 .01.2024

Sukhwinder Singh

...Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Sirphikhi, Advocate for the petitioner.

Mr. Anup Singh AAG Punjab.

Mr. Sahil Soi, Advocate for respondent No.2-complainant.

SUMEET GOEL, J. (Oral)

1. On 02.03.2023, the following order was passed:-

“The present petition is for grant of anticipatory bail to the petitioner in case FIR No.71 dated 31.05.2022 under Sections 498-A, 406, 120-B and 506 of IPC, registered at Police Station Sadar Batala, Police District Batala.

Learned counsel for the petitioner submits that the entire FIR is a concocted story and in fact the complainant is pressurizing the petitioner to leave his old age parents and live separately. Learned counsel for the petitioner has further submitted that the said demand of the complainant is also being looked into and the petitioner has already applied for a separate Government accommodation, moreso, the complainant had submitted an application to petitioner's Commander, 12 Assam Rifles, who has categorically informed her that she should join the company of the petitioner and their family accommodation will be granted. The petitioner is a serving in the Indian Army and is posted at Assam.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 05.07.2023.

However, without commenting upon the factual matrix of the matter or expressing any opinion on the merits of the case, the petitioner shall join investigation on 09.03.2023 at 10:00 A.M. before the Investigation Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

2. Learned State counsel on instructions from ASI Ravinder Singh has stated that pursuant to the order dated 02.03.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
3. Learned counsel appearing for respondent No.2-complainant has vehemently opposed the grant of anticipatory bail by arguing that dowry articles have not been recovered despite the complainant having given bills of gold articles to the investigating officer. It is further submitted that there is concerted effort by the petitioner to evade investigation and hence he prays that present petition be dismissed.
4. In view of above and the entirety of facts and circumstances of the case, the interim order dated 02.03.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition

stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

January 10, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No