

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CRM-M-13697-2024

Date of Decision: 30.04.2024

Gurpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Atul Jain, Advocate for the petitioner.

Mr. S.S. Chahal, AAG, Punjab.

Ms. Pratula Sethi, Advocate
for the complainant (through video conferencing).

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 12 dated 12.02.2024 registered under Sections 406 and 498-A IPC at Police Station Women, District Patiala.

On 18.03.2024, 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.12 dated 12.02.2024, under Sections 406 and 498-A IPC, registered at Police Station Women, District Patiala.

Learned counsel for the petitioner inter alia submits that the petitioner had solemnized the marriage with the complainant on 07.12.2022. No child was born out of the said wedlock. It is stated that the parties have been living separately since 19.5.2023. Learned counsel contends that the present FIR is false and fabricated and utterly false allegations have been made therein. It is stated that thereafter the matter even stands compromised between the parties yesterday i.e. 17.3.2024 and only the settlement deed has to be signed by the complainant.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to file the reply/status report in the matter. Ms. Kashish Aggarwal, Advocate has also put in appearance and filed Power of Attorney on behalf of complainant. The same is taken on record.

Learned counsel for the complainant admits the factum of the compromise entered into between the parties.

Adjourned to 30.4.2024 for filing of reply/status report in the matter by learned State counsel.

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 18.03.2024 passed by this Court, the petitioner has joined the investigation.

Learned counsel for the complainant has put in appearance through video conferencing and submits that although, the matter stands compromised between the parties, however, the joint petition under Section 13-B of the Hindu Marriage Act, 1955 (for short- ‘the Act’), for grant of decree of divorce by way of mutual consent is yet to be filed. Accordingly, it is prayed that the present case may be kept pending, till

the filing of petition under Section 13-B of the Act.’[]

Status report dated 30.04.2024 filed by way of affidavit of Sh. Sarabjit Kaur, Deputy Superintendent of Police, Crime Against Women and Children, District Patiala, on behalf of respondent-State is taken on record. A copy thereof, has been supplied to learned counsel for the petitioner in Court today.

On instructions from ASI Narinder Kaur, learned State counsel submits that in terms of the order passed by a co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation on 22.03.2024; 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 18.03.2024 granting interim bail to the petitioner 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 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, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

30.04.2024

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(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No