

204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15761-2022 (O&M)

Date of Decision: 23.01.2024

RAHIL KHAN

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashish Rana, Advocate for
Mr. Amit Kumar Goyal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Arjun Dhingra, Advocate for
Mr. Vimal Kumar Gupta, Advocate for the complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0438 dated 30.07.2021, under Sections 406 and 498-A IPC (Section 406 IPC added later on) registered at Police Station Zirakpur, District SAS Nagar, Punjab.

2. On 30.11.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.438 dated 30.07.2021 under Sections 406, 498-A IPC (406 IPC added later on), registered at Police Station Zirakpur, District SAS Nagar.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the complainant on 20.04.2016 and a son has been born from the wedlock. The complainant is residing separate from the petitioner in her parental house since June 2019. The matrimonial dispute has occurred due to temperamental differences. Efforts have been made for amicable settlement through mediation but the same remained unsuccessful.

Notice of motion.

Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State.

Mr. V.K.Gupta, Advocate has put in appearance on behalf of the complainant.

Learned counsel for the complainant has opposed the bail application on the score that the complainant had suffered injury marks on account of beatings given to her which is indicative from the photographs.

On a query, learned State counsel submits that there is no MLR with regard to the injuries on the person of the complainant.

Adjourned to 18.04.2023.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned State counsel on instructions has stated that pursuant to the order dated 30.11.2022, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant also does not oppose the grant of anticipatory bail to the petitioner.

4. In view of above, the interim order dated 30.11.2022 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 interpreted as 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

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

23.01.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No