

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
206

CRM-M-21423-2024
Date of decision: 21.05.2024

SAHIL SHAHI

...PETITIONER

V/s

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vansh Chawla, Advocate
for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Hoshier Singh, Advocate for
Mr. Abhay Gupta, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.32 dated 20.02.2024, registered for the offences punishable under Sections 406, 498-A, 120-B of IPC at Police Station Samrala, District Khanna, District Ludhiana.
2. On 30.04.2024, the following order was passed:-

“Apprehending his arrest in FIR No.32 dated 20.02.2024 registered for offences punishable under Sections 406, 498-A and 120-B of IPC at Police Station Samrala District Khanna, Ludhiana; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the FIR in question is a result of matrimonial discord between the petitioner and complainant-wife; petitioner is willing to return Istridhan including gold articles in his possession to the complainant; petitioner is ready for an amicable settlement & petitioner is willing to join investigation and cooperate therein in accordance with law. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the

judgments rendered by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, 2014 AIR (SCW) 3930, and reiterated in Md. Asfak Alam Vs. The State of Jharkhand & Anr., 2023 AIR (Supreme Court) 3610.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State. Mr. Abhay Gupta, Advocate appears and files vakalatnama on behalf of the complainant/respondent No.2. The same is taken on record. Adjourned to 21.05.2024.

The petitioner is directed to appear before the Investigating Officer on 04.05.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C”

3. Learned counsel for the petitioner submits that a compromise/settlement has also been effected between the petitioner and respondent No.2. Learned counsel appearing for respondent No.2 ratifies this factum.

4. Learned State counsel, on instructions from ASI Harjinder Singh, has stated that pursuant to the order dated 30.04.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

5. In view of above, the present petition is allowed and interim order dated 30.04.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

7. 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.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 21, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No