



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CRM-M-23172-2024

Date of Decision: 01.07.2024

Kuldeep Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Komalpreet Kaur, Advocate
 for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 438 Cr.P.C.
is for grant of anticipatory bail to the petitioner in case FIR No. 0002
dated 03.04.2024 registered under Sections 498-A IPC at Police Station
Women Sangrur, District Sangrur (Annexure P-1).

On 09.05.2024, 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.0002 dated 03.04.2024 (Annexure P-1) under Section
498-A IPC, registered at Police Station Women Sangrur,
District Sangrur.*

*Learned counsel for the petitioner inter alia submits that
the petitioner is working as Sepoy in the Indian Army. It is
stated that the petitioner was married to the complainant on
03.07.2023. It was a love marriage between the two.*



Learned counsel submits that soon thereafter, within twenty days of marriage, petitioner was posted to Vishakhapatnam on duty. It is stated that marital differences arose on this account, resulting into registration of the present FIR. The main grievance of the complainant is that the petitioner did not call her after going to Vishakhapatnam. Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and opposes the prayer made on behalf of petitioner and submits that very serious allegations have been made in the FIR to the effect that when the complainant was pregnant, the petitioner asked her to abort the child and when she refused to do so, he stopped talking to her. It is stated that the complainant, at present, residing with her parents as she was shunted out from the matrimonial home. Learned counsel for the State seeks time to file the detailed status report in the matter.

Adjourned to 01.07.2024.

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 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 09.05.2024 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions, submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation 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 09.05.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will 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, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

01.07.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No