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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24872-2024 (O&M)

Date of Decision: 30.05.2024

GURDEEP SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.S. Sekhon, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab.

...

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.5 dated 31.01.2024 registered for offences punishable under Sections 323, 498-A, 506 and 34 IPC at Police Station Sadar Kurali, District S.A.S. Nagar.

2. On 17.05.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 5 dated 31.01.2024 registered for offences punishable under Sections 323,498-A,506,34 IPC at Police Station Sadar Kurali, District S.A.S. Nagar; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that genesis of the FIR in question is the matrimonial discord between the petitioner and complainant-wife; petitioner is ready for an amicable settlement as well & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon’ble Supreme Court in ‘Md. Asfak Alam versus The State of Jharkhand and another’ 2023(3) R.C.R. (Criminal) 754 and ‘Arnesh Kumar versus State of Bihar” (2014) 8 SCR 128.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 30.05.2024



The petitioner is directed to appear before the Investigating Officer on 22.05.2024 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 State counsel, on instructions from ASI Tilak Raj, has stated that pursuant to the order dated 17.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
- 4. In view of above, the petition is allowed and interim order dated 17.05.2024 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 be construed to be an opinion on the merits of the case.
- 8. Pending application(s), if any, shall also stand disposed off.

30.05.2024

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No