

**CRM-M-28173 of 2024** **1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****211A****CRM-M-28173 of 2024
DATE OF DECISION :- 08.08.2024****Kuldeep Singh****...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. T.S. Chauhan, Advocate
with Mr. Abhijeet Partap, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Vaneet Thakur, Advocate for complainant-respondent No. 2.

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. 48 dated 16.04.2024, registered for offences under Sections 323,324,498-A,506,34 of the IPC, at Police Station Amloh, District Fatehgarh Sahib.

2. On 30.05.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 48 dated 16.04.2024 registered for offences punishable under Sections 323/324/498-A/506/34 IPC at Police Station Amloh District Fatehgarh Sahib; 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 complainant and the brother of the petitioner; the petitioner is ready for an amicable settlement & 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 15.07.2024.

The petitioner is directed to appear before the Investigating Officer on 04.06.2024 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.

To be heard along with CRM-M-27967-2024."

On 29.07.2024, the following order was passed:-

"Mr. Vaneet Thakur, Advocate, has put in appearance on behalf of the complainant and has filed his vakalatnama in Court today. The same be taken on record.

Learned State counsel, on instructions from SI Balbir Singh, submits that though the petitioner has joined the investigation in pursuance to order dated 30.05.2024, but is not cooperating therein.

Faced with the situation, learned counsel for the petitioner submits that the petitioner shall rejoin the investigation and cooperate therein in accordance with law.

Adjourned to 08.08.2024.

The petitioner is directed to appear before the Investigating Officer on 02.08.2024 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 SI Balwinder Singh, has stated that pursuant to the order dated 30.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail by arguing that the allegations made against the petitioner are serious in nature and hence anticipatory bail ought not to be granted to the petitioner.
5. In view of above, the present petition stands allowed and the interim order dated 30.05.2024 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.

(SUMEET GOEL)
JUDGE

08.08.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No