

Sr. No.102

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-31874-2023
Date of decision: 25th January, 2024

VIJAY KUMAR SHARMA @ LUCKY**Petitioner**

versus

STATE OF PUNJAB**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ashok Kumar Sharma (Bhana), Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Vishnu Dutt, Advocate for
Mr. Naveen Bawa, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.36 dated 04.06.2023, under Section 498-A IPC, registered at Women Police Station, Ludhiana, District Ludhiana.
2. The present FIR was registered at the instance of complainant-wife against the petitioner-husband and his family members with the allegations that she was being subjected to physical and emotional harassment after the marriage which was solemnized on 04.10.2011. Out of the wedlock, two children were born. The complainant has alleged that on 30.05.2021, the petitioner had assaulted her by causing injury with the *bailan* (rolling pin) and ultimately on 02.06.2021, the complainant-wife went to her parent's house.

3. On 13.07.2023, following order was passed by the Coordinate Bench:-

“ XXXXXXXXXXXX

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present matter because it is only the complainant who, since long time has been torturing the petitioner to live separately from his old aged widow mother, who is around 70 years old, suffering from various old age related ailments and is totally dependent upon the petitioner. He submits that the petitioner is the only bread earner of his family as his father has already expired. He submits that the complainant, in order to torture the petitioner and his family, had filed false complaint against the petitioner, his mother and brother but the police during investigation, registered the FIR only against the petitioner. The petitioner is also appearing before the police authorities as and when called by them and is fully cooperating in the investigation. He further submits that the petitioner is still ready to keep the complainant (wife) and the two children, born out of the said wedlock, namely Nitya and Kanav and is even paying the maintenance to the complainant.

Learned State counsel seeks time to file the status report in the matter.

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 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.:-

XXXXXXXXX”

4. Learned counsel for the petitioner contends that the petitioner has joined investigation in compliance of the order dated 13.07.2023 passed by the Coordinate Bench.

5. Learned counsel appearing on behalf of the respondent-State, on instructions from SI Meet Ram, confirms that the petitioner has joined investigation and also contends that his custodial interrogation is not required.
6. Learned counsel for the complainant has opposed the bail application of the petitioner on the ground that recovery of dowry articles is yet to be effected from the petitioner and there are allegations of physical assault against the petitioner.
7. The allegations against the petitioner are matter of trial. The matter was referred to Mediation and Conciliation Centre of this Court and the mediation has failed. Except the present one, no other criminal case is pending against the petitioner. In view of the reasons recorded in the order dated 13.07.2023 and keeping in view the fact that the petitioner has joined investigation and his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 13.07.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

(HARPREET KAUR JEEWAN)
JUDGE

25th January, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>