2024:PHHC:099375

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31338-2024 (O&M)
Date of decision: 05.08.2024

Rajiv Jindal

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jimmy Singla, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

****

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.124 dated 13.06.2024 under Sections 498-A, 323, 506, 34 of the Indian Penal Code, 1960, registered at Police Station Bhawanigarh, District Sangrur.

2. On 04.07.2024, the following order was passed:-

> *"The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.124 dated 13.06.2024 under Sections 498-A/323/506/34 of IPC registered at Police Station Bhawanigarh, District Sangrur (Annexure P-1).*
>
> *Learned counsel for the petitioner inter alia contends*

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that the petitioner has been falsely implicated in the present case and there is a matrimonial dispute between the petitioner and the complainant due to normal wear and tear of the matrimonial life. Moreover, the maximum sentence under the offences in which the FIR is lodged is punishable upto seven years. No notice under Section 41-A of Cr.P.C. was ever served upon the petitioner in view of the law laid down by the Hon'ble Supreme Court in ***'Satender Kumar Antil Vs. CBI' (2022) 10 SCC 51****.*

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State and Mr. Tanvir Singh Grewal, Advocate puts in appearance and accepts notice on behalf of the complainant and files his power of attorney which is taken on record. Per contra, the learned State counsel assisted by learned counsel for the complainant opposes the grant of anticipatory bail to the petitioner on the ground that the relevant material has been withheld by the petitioner. The complainant and her mother had been beaten by the petitioner and they were medico legally examined and their MLRs are taken into possession by the Investigating Officer.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273*** *and* ***Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833****, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would

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appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 05.08.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel, on instructions from ASI Sukhdev Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 04.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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