

2024:PHHC:017605

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-35227-2023 (O&M)
Date of Decision : 08.02.2024

Manjinder Singh

...Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ramneek Vasudeva, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

Mr. Samay Sandhawalia, Advocate,
for respondent No.2.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.33 dated 29.06.2023, registered for the offences punishable under Section 498-A IPC, 1860, at Police Station, Sadar Morinda, District Rupnagar.

2. On 24.07.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.33 dated 29.06.2023 under Section 498-A of the Indian Penal Code, 1860 registered at Police Station Sadar Morinda, District Rupnagar.

Learned counsel for the petitioner, at the outset states, that the petitioner is willing to settle the matter. It is further the contention that the petitioner has falsely been implicated in the case and that the present case is a counter-blast to the complaint made by the petitioner against his complainant-wife.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

On the oral request of the learned counsel for the petitioner, the complainant, namely, Sukhwinderjit Kaur wife of Manjinder Singh resident of Village Dhangrali, Morinda, Tehsil Morinda, District Rupnagar is impleaded as respondent No.2 in the present petition. Let the Registry carry out the necessary correction in the memo of parties.

Let notice be sent to respondent No.2 returnable 15.11.2023. The petitioner shall bring a bank draft of Rs.30,000/- in the name of the respondent-wife towards litigation expenses and the same shall be handed over to her on the next date of hearing.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973."

3. Learned State counsel, on instructions from ASI Surinder Singh, has stated that pursuant to the order dated 24.07.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. The efforts made for reconciliation between the parties before the Mediation and Conciliation Centre of this Court have also failed.

4. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail by arguing that the allegations made against the petitioner are very serious in nature and the entire dowry articles/stridhan have yet not been recovered.

5. In view of above, the interim order dated 24.07.2023 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.

February 08, 2024
poonam

(SUMEET GOEL)
JUDGE

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No