

2024:PHHC:034047

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

201

CRM-M-37473-2022

Date of decision: 11.03.2024

Upkar Singh

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Pradeep Chhoker, Advocate, for the petitioner.

Mr.Adhiraj Singh Thind, AAG, Punjab.

None 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.38 dated 03.06.2022, registered for the offences punishable under Sections 406 & 498-A of IPC at Police Station Khanauri, District Sangrur.

2. On 31.10.2022, the following order was passed:-

“Learned counsel for the petitioner submits that in pursuance to order dated 24.08.2022, a draft bearing No.512161 dated 23.09.2022 amounting to Rs.25,000/- was handed over to the Mediator to be given to the complainant-wife, however, the Mediator told him that the complainant has refused to accept the same on the ground that the same would be accepted in the Court.

Learned State counsel has filed the status report by way of an affidavit of Manoj Gors, PPS, Deputy Superintendent of Police, Sub Division Moonak, District Sangrur, which is taken on record.

He has submitted that as there was no order for joining investigation, the case is under investigation.

The petitioner is directed to bring the said draft of Rs.25,000/- in the Court on the next date of hearing. Accordingly, interim order dated 24.08.2022 is modified to the extent that in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the court.

Notice to the complainant be issued for 15.12.2022.”

3. Learned State counsel, on instructions from ASI Gurmail Singh, has stated that pursuant to the order dated 31.10.2022, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 31.10.2022 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 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.

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.

March 11, 2024
poonam

(SUMEET GOEL)
JUDGE

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