

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-36292-2023 (O&M)
Date of Decision: 11.03.2024

JODHA MASIH @ YODHA MASIH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Anosh Samson, Advocate for
Mr. J.S. Gill, Advocate
for the petitioner.

Mr. G.S. Bhullar, AAG, Punjab.

Mr. Hardik Ahluwalia, Advocate with
Mr. A.S. Manaise, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.47 dated 21.06.2023 registered under Sections 452, 354-B and 506 IPC at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.
2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of the complainant on account of harassing and assaulting the complainant and her family members by the petitioner.
3. On 29.08.2023, the Coordinate Bench of this Court passed the following order:-

“Present is first petition under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner in case FIR No.47 dated 21.06.2023 under Sections 452, 354-B and 506 IPC registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur, Punjab.

Learned counsel for the petitioner inter alia submits that utterly false allegations have been made against the petitioner in the FIR (Annexure P1). It is submitted that at most, the only allegation against the petitioner is that he threatened and abused the complainant.

Learned State Counsel files status report by way of affidavit of Sarvanjit Singh PPS, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala, dated 29.08.2023 which is taken on record and copy of the same has been supplied to counsel opposite.

Learned State Counsel submits that there are two other FIRs against the petitioner.

Learned counsel for the petitioner counters this submission by stating that the other two FIRs have been registered within a span of one year by the same family in which the petitioner has already been granted protection by this Court vide order dated 05.08.2022 (Annexure P2).

Adjourned to 30.11.2023.

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.:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii) 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/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

4. Learned counsel for the petitioner further contends that the petitioner had joined the investigation in pursuance to the order dated 29.08.2023 passed by the Coordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State on instructions from concerned Investigating Officer confirms that the petitioner has joined the investigation.

6. Learned counsel for the complainant contends that the petitioner is threatening the complainant to withdraw the present case, however no affidavit

has been filed by the complainant in this regard.

7. Keeping in view the reasons recorded in the order dated 29.08.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 29.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

8. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

11.03.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No