

2024:PHHC:009131
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-37175-2023
Date of Decision: 23.01.2024

GAGANDEEP

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

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

Present:- Mr. Munish Puri, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

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.65 dated 10.07.2023 registered under Sections 498-A, 34 IPC at Police Station Division No.1, District Pathankot.
2. On 01.08.2023, the Coordinate Bench of this Court passed the following order:-

“Learned counsel for the petitioner/husband of respondent No.2/complainant submits that totally false and baseless allegations have been levelled against the petitioner and every endeavour is made to involve each family member of the petitioner on the pretext of dowry only. It is submitted that it is only the respondent No.2/complainant, who is ruining the life of the petitioner and his family members by using political links, the fact can be established from the fact that the respondent/complainant forcefully entered in parental house of the petitioner at Pathankot on 31.12.2022, and remained therein forcefully till 24.5.2023 with police protection without there being any order from any authority. It is only after the intervention of this Court, she was ordered to leave the said premises in CRWP No.2958 of 2023. It is submitted that the present FIR is dated 10.07.2023 and earlier to that an FIR No.46, under Sections 326, 324, 323, 148 and 149 IPC, Police Station Division No.1, Pathankot has also registered on the statement of Mohan Lal [who is father-in-law of the respondent No.2-Sushma (complainant herein in the present FIR)] against the respondent/complainant herein and other persons on 26.5.2023, therefore, the present FIR is counterblast to the said FIR.

Notice of motion.

On asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab

accepts notice on behalf of respondent-State. She, on instructions, informs that father-in-law and mother-in-law of the complainant in the present case have already been enlarged on bail vide order dated 21.7.2023.

Adjourned to 24.11.2023.

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.:-

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

v) 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 ;

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

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

3. Counsel for the petitioner *inter alia* contends that the FIR was registered against the petitioner and co-accused Mohan Lal (father-in-law) and Kuljinder (mother-in-law) of the complainant-respondent No.2.

4. Counsel for the petitioner further contends that the petitioner had joined the investigation in compliance of the order dated 01.08.2023 passed by the Coordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Kuldeep Raj confirms that the petitioner has joined investigation and also contends that his custodial interrogation is not required. He has informed that co-accused-Mohan Lal (father-in-law) and Kuljinder (mother-in-law) of respondent No.2-complainant have also joined the investigation.

6. In view of the reasons recorded in the order dated 01.08.2023 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

(HARPREET KAUR JEEWAN)
JUDGE

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