

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-37387-2023

Date of Decision: 28.02.2024

Manish Kumar Soni

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Lupil Gupta, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. G.S. Dhillon, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 56 dated 08.06.2023 registered under Sections 498-A, 406 and 506 IPC and Section 4 of the Dowry Prohibition Act, 1961, at Police Station City-II, Abohar, District Fazlilka.

On 02.08.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“The petitioner herein seeks the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.56 dated 08.06.2023 registered at Police Station City-II, Abohar, District Fazilka, under Sections 498-A, 406 & 506 IPC and Section 4 of the Dowry Prohibition Act, 1961.

Learned counsel for the petitioner, inter-alia, contends that the petitioner has been got falsely implicated in this case and the allegations, as levelled by respondent No.2-complainant against him in the subject FIR, are sans any

substance and the petitioner is ready to join in the investigation as and when required and he is not involved in any other criminal case.

Notice of motion.

Mr. Virat Rana, learned Assistant Advocate General, Punjab, who has appeared on behalf of respondent No.1 in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice. He seeks some time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the status-report also.

Adjourned to 07.11.2023.

Notice be issued to respondent No.2 for the date fixed through ordinary process, email or any other electronic mode.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal as well as surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in compliance of the order dated 02.08.2023 passed by a co-ordinate Bench of this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Milkh Raj, states that in terms of the order passed by a co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage. It is further pointed that that the parties have entered into a compromise and statements of the parties qua genuineness of compromise have also been recorded before the learned Illaqa Magistrate on 30.01.2024 and the statement of Investigating Officer was also recorded in this regard on 05.02.2024. It is submitted that in view of the above, custodial interrogation of the petitioner is not required.

In view of the above, the order dated 02.08.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

28.02.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No