

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

2024:PHHC:054634
CRM-M-37287-2023
Date of decision: April 23rd, 2024

Varun Malhotra

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gautam Dutt, Advocate
with Mr. Rahul Bhargava and Mr. Tarveer Singh, Advocates
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

Mr. Bhavya Vats, Advocate
for Mr. Akshay Jindal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under
Section 438 of the Cr.P.C. in case FIR No.59 dated 16.07.2023 under
Sections 457, 380 of the Indian Penal Code, 1860, registered at
Police Station Dhakoli, District S.A.S. Nagar.

2. While issuing notice of motion on 02.08.2023, following
submissions of learned counsel for the petitioner were recorded:-

*“Counsel for the petitioner submits that the
allegations against the petitioner are only qua entering into
the house and taking away some articles lying there in the
absence of the complainant. However, the said house
belongs to the petitioner as well to the extent of 50% and
he is even paying the installments for the same. Since the
parties have not divorced so far, therefore, any article or
money lying in the said house would be taken as belonging
to both the parties. Hence, no offence appears to have been
committed in the case. However, in any case, there are*

chances of an amicable settlement between the parties.”

3. Thereafter, vide order dated 25.01.2024, the petitioner had been granted interim anticipatory bail with direction to join investigation.

4. Learned counsel for the petitioner submits that in compliance of order dated 25.01.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions from ASI Labh Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 25.01.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

April 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No