

Sr. No.213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39040-2023
Date of decision: 23rd January, 2024

GURBAKSH SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Suresh Kumar Arya, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. H.S. Saggu, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant first petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.42 dated 24.06.2023, under Sections 406, 498-A, 494, 506, 120-B IPC, registered at Police Station Women, District S.A.S. Nagar (Annexure P-1).
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. As per the order dated 15.12.2023, passed by the Coordinate Bench, the petitioner was directed to pay a sum of Rs.30,000/- to the complainant as litigation expenses but he could only pay Rs.10,000/- to the complainant. Learned counsel for the petitioner further contends that the petitioner is ready to join investigation and he would pay the remaining amount of Rs.20,000/- to the complainant if some time is granted to him.
3. Learned State counsel has opposed the bail application on the ground

report filed by way of affidavit of Dr. Jyoti Yadav, IPS, Superintendent of Police (HQ), District S.A.S. Nagar (Mohali), the learned State counsel contends that the petitioner is a habitual offender and except the present case, two other cases are pending against him, the details of which are as under:-

“(I) FIR No.243 dated 31.07.2016, under Sections 323, 341, 435, 427, registered at Police Station Zirakpur.
(II) FIR No.30 dated 03.06.2023, under Sections 15, 29-61-85, NDPS Act, Police Station Mehta, District Amritsar.”

4. Learned State counsel further contends that the petitioner did not join the investigation despite issuance of notice to him under Section 41-A Cr.P.C and his custodial interrogation is required.
5. Learned counsel for the complainant contends that there are allegations against the petitioner that he has performed second marriage.
6. I have heard the aforesaid contentions.
7. Keeping in view the fact that the petitioner did not comply with the previous order dated 15.12.2023; the history of two other cases, which are pending against the petitioner and the gravity of the allegations levelled against him, no ground is made out for releasing the petitioner on anticipatory bail. Consequently, the present application stands dismissed.
11. All the pending miscellaneous applications, if any, shall also stand disposed of.
12. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(HARPREET KAUR JEEWAN)
JUDGE

23rd January, 2024
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