

Sr. No.205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39455-2023
Date of decision: 26th April, 2024

BHUPINDER SINGHPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Raghav Soni, Advocate for
Mr. Vikas Gupta, Advocate
for the petitioner.

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

None for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.32 dated 08.05.2023, under Sections 406, 498-A IPC, 1860, registered at Police Station Verowal, District Tarn Taran (Annexure P-1).
2. On 11.08.2023, the following order was passed by the co-ordinate Bench of this Court:-

“xxx xxx xxx xxx

Learned counsel for the petitioner would contend that the marriage between the petitioner and the daughter of the complainant was solemnized in 2019. Thereafter, both the girl and the petitioner herein went to New Zealand in 2019. The petitioner returned to India in 2020 and thereafter has been residing in India. The counsel would further contend that the petitioner is willing to settle the matter and also to return all the dowry articles.

On the oral request of counsel for the petitioner, the complainant - Harpinder Singh son of S. Joginder Singh resident of Village Hothiyan, Teshil Khadoor Sahib, District Tarn Tarn - is impleaded as respondent No.2 in the

present petition. Registry to make the necessary corrections in the memo of parties.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent No.1-State of Punjab.

Let notice be issued to respondent No.2 returnable 09.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.

xxx xxx xxx xxx”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the aforesaid order dated 11.08.2023, passed by the co-ordinate Bench of this Court.

4. Learned State counsel, on instructions from ASI Lakhwinder Singh, confirms that the petitioner has joined investigation and also contends that his further custodial interrogation is not required. Learned State counsel further informs that co-accused of the petitioner have also joined investigation.

5. As per the report received from the Mediation and Conciliation Centre of this Court, the mediation failed.

6. In view of the reasons recorded in the order dated 11.08.2023 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 11.08.2023, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be

8. However, liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

9. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26th April, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>