

209 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-42619-2023 (O&M)
Date of Decision: 01.02.2024

SUNIL KUMAR @ MONU

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Piyush Aggarwal, Advocate, for
 Mr. Varun Goyal, Advocate,
 for the petitioner.

Mr. Kunwarbir Singh, A.A.G., 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.190 dated 30.06.2023 under Sections 498-A and 406 of the IPC, registered at Police Station Civil Lines, Batala, District Gurdaspur.
2. Counsel for the petitioner *inter alia* contends that the petitioner had always been ready to live with the complainant-wife and he has also filed a petition under Section 9 of the Hindu Marriage Act, 1955 before the Family Court, Gurdaspur and Camp Court, Batala (Annexure P-2). After filing of the said petition, the present FIR was got registered in order to harass the petitioner.
3. He further submits that the petitioner was granted interim bail as per the order dated 31.08.2023 passed by the co-ordinate Bench of this Court.

4. The relevant portion of the aforesaid said order reads as under:-

XXXX XXXX XXXX XXXX

“Learned counsel for the petitioner at the outset would contend that the petitioner is willing to settle the matter as also to return all the articles as stated in the FIR. Learned counsel would further contend that the parents of the petitioner have since been granted the concession of anticipatory bail and they have joined investigation.

Notice of motion.

On the asking of the Court, Mr. M.S. Tiwana, AAG Punjab accepts notice on behalf of the respondent-State.

List on 21.11.2023.

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 adequate surety and personal bonds 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.”

5. Counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 31.08.2023 passed by the co-ordinate Bench of this Court.

6. Learned counsel appearing on behalf of the respondent-State on instructions from the police official who is present in Court today to assist him confirms that the petitioner has joined investigation, some recovery had also been effected and his further custodial interrogation is not required.

7. In view of the reasons recorded in the order dated 31.08.2023 and keeping in view the fact that the petitioner has joined investigation, his

further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 31.08.2023 passed by the co-ordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Liberty is reserved in favour of the State/complainant to move for cancellation/recall 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.

10. Pending miscellaneous application (s), if any, shall also stand disposed of.

February 01, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No.