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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44801-2023 (O&M)
Date of Decision: 12.02.2024

Gurpreet Singh
Vs.
State of Punjab and another

.. Petitioner

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab.

Mr. Akhil Kashyap, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.49 dated 31.07.2023, under Sections 498-A and 406 of IPC registered at Police Station Ajitwal, District Moga.

2. On 15.11.2023, the following order was passed:-

“On 06.09.2023 notice of motion was issued and the parties were directed to appear before the Mediation and Conciliation Centre of this Court for exploring the possibility of a compromise. The parties appeared before the Mediation and Conciliation Centre of this Court and an amount of Rs.30,000/- has been handed over to respondent No.2 towards litigation expenses. As per the report of the Mediator, no settlement could take place.

Learned counsel for the petitioner submits that the petitioner is willing to return all the istridhan articles as stated in the order dated 23.08.2023 passed by the learned trial Court.

List on 12.02.2024.

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.”

3.

Learned State counsel, on instructions from ASI Tarsem Singh, has stated that pursuant to the order dated 15.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation. Learned counsel for the complainant has opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he does not deserve the concession of pre arrest bail.
4.

In view of above, the petition is allowed and interim order dated 15.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5.

This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6.

Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7.

Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
8.

Pending application(s), if any, shall also stand disposed off.

12.02.2024

Jasmine Kaur

Whether speaking/reasoned

Whether reportable

(SUMEET GOEL)

JUDGE

YesNo

YesNo