

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47006-2023 (O&M)
DATE OF DECISION : 07.03.2024

SACHIN MAGGOO ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Shikha Kaushik, Advocate for
Mr. Harish Mehla, Advocate for the petitioner.
Ms. Himani Arora, A.A.G., Punjab.

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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.166 dated 28.07.2023 under Sections 498-A and 109 IPC registered at Police Station City, Moga.

2. On 05.10.2023 following order was passed:

“xxxx Learned counsel for the petitioner inter alia submits that the petitioner was married to the complainant on 22.04.2008. Two children were born out of this wedlock, who are currently in the care and custody of the complainant-wife. Learned counsel states that the FIR has been filed after 15 years of marriage on 28.07.2023. It is submitted that the allegations contained in the FIR are false and fabricated. It is further submitted that the said allegations pertain to the years 2008 and 2009 and present FIR is a counter blast to the petition filed by the petitioner under Section 13 of Hindu Marriage Act before the learned Principal Judge, Family Court, Bhiwani, seeking divorce from the complainant.

Notice of motion.

Mr. Shubham Kaushik, AAG Punjab accepts notice on behalf of respondent-State.

Adjourned to 18.01.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency

subject to the following conditions as envisaged under Section 438(2) Cr.P.C. xxxx”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order dated 05.10.2023 passed by this Court.

4. Learned State counsel has filed the status report by way of affidavit of Ravinder Singh, Deputy Superintendent of Police, City Moga, District Moga and on instructions from ASI Harmesh Lal, confirms that the petitioner has joined investigation and his further custodial interrogation is not required as the challan has already been presented before the learned trial Court

5. In view of the aforesaid facts and the reasons recorded in the order dated 05.10.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 05.10.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

07.03.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No