

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-49061-2023

Date of Decision: 22.03.2024

Ravi Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sachin Jain, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No. 68 dated 26.08.2023 registered under Sections 323, 406 and 498-A IPC at Police Station Women, SAS Nagar.

On 06.10.2023, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.68 dated 26.8.2023, under Sections 323, 406 and 498-A IPC, registered at Police Station Women, SAS Nagar.

Learned counsel for the petitioner/husband inter alia submits that the petitioner was married to the complainant-wife on 25.11.2020. It is submitted that soon after the marriage, the complainant started torturing and harassing the petitioner, as a result of which the petitioner left the matrimonial home and filed a complaint dated 28.8.2022 (Annexure P-1) before the police against the complainant-wife. Learned counsel states that no child was born out of the said wedlock. It is submitted that the petitioner had filed

a petition under Section 13 of the Hindu Marriage Act (Annexure P-2) on 10.10.2022 and the present FIR is counter-blast to the said divorce petition filed by the petitioner. It is submitted that the allegations made in the FIR are utterly false and fabricated and the complainant-wife has also filed an application on similar allegations against the petitioner under Section 12 of DV Act (Annexure P-6) though N.G. on 14.3.2023. Learned counsel submits that even though the marriage between the parties was consummated, however, there was no physical relation between them. Learned counsel submits that petitioner is ready to join the investigation and undertakes to cooperate in the investigation, and therefore prays that the concession of anticipatory bail be granted to the petitioner.

Notice of motion.

On asking of the Court, Mr. Shubham Kaushik, AAG, Punjab accepts notice on behalf of respondent-State. He submits that there are numerous disputed facts in the present case and seeks an accommodation to file the detailed status report in the matter.

Adjourned to 24.1.2024 to enable learned State counsel to do the needful.

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 interim 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.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing."

Learned counsel for the petitioner submits that in compliance of the order dated 06.10.2023 passed by this Court, the petitioner has joined the investigation.

On instructions from ASI Shashvir Kumar, learned State counsel submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 06.10.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

22.03.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No