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

CRM-M-50117-2023 (O&M)

Date of decision : 10.01.2024

Gagandeep Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tanvir Joshi, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Kuldeep Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.48 dated 08.07.2023, under Sections 495, 420 (added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*') (Sections 366, 376 read with Section 34 IPC deleted), registered at Police Station Sadar Abohar, District Fazilka.

2. Allegations are that petitioner solemnized marriage with the complainant by concealing the factum of his earlier marriage.

3. A Coordinate Bench, on 05.10.2023, granted interim bail to petitioner and relevant part of the same reads as under:-

"Learned counsel for the petitioner has submitted that it is a case where the allegations against the petitioner were that he had committed a fraud upon the complainant by concealing

earlier marriage and got married with the complainant and thereafter, even protection petition was also filed before this Court. He further submitted that there was no question of concealment because the complainant already knew about the factum of earlier marriage of the petitioner and during the course of investigation, the provisions of Sections 376 & 366 IPC have been deleted by the police and as of now provisions of Sections 495 & 420 IPC stands against the petitioner.

Notice of motion.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab accepts notice on behalf of the respondent/State and prays for some time to seek instructions and to file an affidavit in the present case.

At this Stage, Mr. Deepak Kumar Bartia, Advocate has caused appearance and filed his Memorandum of Appearance on behalf of the complainant, which is taken on record. He prays for some time to file his Power of Attorney in the Registry.

Adjourned to 10.01.2024.

Meanwhile, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The complainant shall also be at liberty to file an affidavit before the next date of hearing with an advance copy to the learned counsel for the petitioner if so advised or so desired.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 05.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending application(s), if any, shall stand disposed off.

10.01.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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