

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50373-2023
Date of decision: 16.01.2024

HARDEEP SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.121 dated 04.09.2023, under Sections 406 and 498-A IPC, registered at Police Station Adampur, District Jalandhar Rural (Annexure P-1).

2. Learned counsel for the petitioner *inter alia* contends that the FIR was registered at the instance of respondent No.2-wife. The marriage between the petitioner and respondent No.2-wife was solemnized on 24.11.2019 and a girl child namely Sahejman Kaur was born out of the said wedlock. After marriage, the petitioner and the complainant were living together as husband and wife but after the birth of their daughter, respondent No.2-wife refused to cohabit with the petitioner and since then, respondent No.2-wife had been pressurizing the petitioner to demand his share of property from his parents and live separately. He further contends the allegations levelled against the petitioner are false and fabricated and he has been falsely implicated in the present case.

3. Counsel for the petitioner further contends that the petitioner has joined investigation in pursuance to the order dated 06.10.2023, passed by the Coordinate Bench and no other case is pending against the petitioner.

4. Learned State counsel, on instructions from ASI David Masih, confirms that the petitioner has joined investigation and also contends that the petitioner is no more required for custodial interrogation. He has also filed status report by way of affidavit of Sh. Vijay Kanwar Paul, Deputy Superintendent of Police, Sub-Division Adampur, Jalandhar (Rural), on behalf of respondent-State of Punjab, whereby in Para 8, it has been submitted that the petitioner had appeared before the Investigating Officer on 06.11.2023 and produced various gold articles. The said para reads as under:-

“8. That it is respectfully submitted that the afterwards the petitioner filed the present petition. However, this Hon'ble Court has granted interim relief vide order dated 06.10.2023. After getting interim protection, the petitioner appeared before the investigating officer on 06.11.2023 and produced gold ornaments i.e. one Gold kitty Set, one chain, topes pair weighing 11.200 milligram, two bangles weighing 15.670 mg, two rings gents weighing 7.290 mg, one pair of earring weighing 3.140mg, one pair of small bangle (Kangan) silver of child, one pair of ankles weighing 28.820 mg, two watches ladies and gents. The gold ornaments mentioned above, were identified by the complainant itself during the course of investigation.”

It is further confirmed in the status report that the petitioner is not involved in any other FIR.

5. In view of the reasons recorded in the order dated 06.10.2023 and keeping in view the fact that the petitioner has joined investigation and his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 06.10.2023, granting interim bail to the

petitioner, is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. All the pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

16.01.2024
sim

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