



Sr. No.214

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48024-2024 (O&M)
Date of decision: 16th December 2024

SALASPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sachmeet Singh Randhawa, Advocate
for the petitioner.

Mr. Malkit Singh Dhillon, DAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail to the petitioner in case FIR No.43 dated 29.06.2024, under Sections 498-A, 406 IPC, 1860, registered at Police Station Sekhwan, District Batala (Annexure P-1).

2. On 25.10.2024, following order was passed:-

“xxx xxx xxx xxx

Learned counsel for the petitioner inter alia submits that there was a matrimonial dispute inter se the petitioner and the complainant-wife, as such, the petitioner had filed a divorce petition (Annexure A-1). The present FIR (Annexure P-1) has been registered as a counter-blast to the divorce petition filed by the petitioner-husband.

It is further contended that the petitioner is ready to join the investigation.

A status report, dated 24.10.2024 by way of an affidavit of Sh. Tajinderpal Singh, PPS, Deputy Superintendent of Police, Head



Quarters Batala, has been filed in Court today by learned State counsel. The same is taken on record.

Learned counsel for the State while referring paragraph No. 6 of the aforesaid status report submits that there are no statements of the neighbourers corroborating the allegations of the complainant that she was threatened/allegedly given electric shocks.

She further submits that though there are allegations that the family of the petitioner has harassed, maltreated and tortured, however, during investigation, nothing came to the light that the complainant was threatened/allegedly given electric shock or that she went to neighbour's house and they saved her.

Notice of motion.

Having received advance copy of the petition, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1-State.

Since the complainant is not impleaded as a party to the petition, she is ordered to be impleaded as respondent No. 2 in this petition. The amended memo of parties be filed by learned counsel for the petitioner within 10 days.

Adjourned to 11.12.2024 for service of respondent No. 2.

In the meanwhile, in the event of the arrest of the petitioner, he shall be released on interim bail, on his furnishing bail bonds and surety bonds to the satisfaction of the arresting officer/Area Magistrate and also subject to the following conditions:-

- (i) That the petitioner shall further make himself available for interrogation by a police 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 from disclosing such facts to the Court or to any police officer.*
- (iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned."*

3. Learned State counsel confirms that the petitioner has joined investigation in compliance of the aforesaid order. He further contends that further custodial interrogation of the petitioner is not required.



- 3.1 Learned State counsel has further confirmed that there is no evidence from the neighbourhood corroborating the allegations of the complainant that she was threatened or allegedly given electric shock.
4. The allegations levelled against the petitioner in the FIR and the counter-allegations by the petitioner are matter of trial.
5. In view of the reasons recorded in the order dated 25.10.2024 and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed. Order dated 25.10.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.
6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
7. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., or upon showing any other sufficient cause.
8. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

16th December 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>