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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54089-2022

Date of decision: 30.07.2024

Jagjeet Singh alias Jagjit Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ramandeep, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Deepak Goyal, Advocate
for respondent No.2.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0090 dated 28.10.2022 under Sections 406/498-A of IPC registered at Police Station Women, District Patiala.

On 21.11.2022, the following order was passed:-

'Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0090, dated 28.10.2022, under Sections 406, 498-A IPC, registered at Police Station Women, District Patiala.

*It has been contended by counsel for the petitioner that petitioner solemnized the marriage with the complainant about eight years back and they are blessed with a son. He submits that the matrimonial discord between the husband and the wife is on account of the reason that the complainant/wife has a Government job whereas petitioner is employed in a private job. He submits that the petitioner has done his best to settle the dispute amicably, however, the complainant did not cooperate and thus, she left the matrimonial home alongwith the child in the year 2020. He submits that petitioner is ready to settle the dispute amicably now if the matter is referred to mediation Centre. He relies upon **Arnesh Kumar vs State of Bihar and another**, 2014(3) SCC (CrL.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same. Counsel for the petitioner*



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undertakes to implead the complainant as party respondent No.2 in the petition and file amended memo of parties within a week from today.

Issue notice of motion for 13.03.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

On filing of amended memo of parties by counsel for the petitioner, complainant be served for the date fixed.

Petitioner is also directed to pay Rs.25,000/- as litigation expenses to complainant within one month from today.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(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 prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.’

Learned State counsel on instructions from ASI Mander Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 21.11.2022 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

30.07.2024

Neha

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