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205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52103-2023 (O&M)
DATE OF DECISION : 16.05.2024

HARJINDER SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Tejinderbir Singh, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Ms. Gurdeep Kaur, Advocate for
Mr. Hardeep Singh, Advocate for the complainant.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.81 dated 16.09.2023 registered at Police Station Women, Patiala, District Patiala, under Sections 406 and 498-A IPC.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has joined the investigation in compliance of the order passed by this Court and both the children are in custody of the petitioner. Despite long mediation, compromise could not be effected.

3. On 13.10.2023 following order was passed:

“xxxx Learned counsel for the petitioner, inter-alia, contends that the marriage between the petitioner and the complainant-wife was solemnized long back in the year 2012 and till the registration of the subject FIR, the complainant never ever levelled any allegation against the petitioner husband but however, now, she (complainant) has got him (petitioner) falsely

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implicated in the criminal case under reference as he did not fulfil her demand to arrange for a separate accommodation and to live with he there and moreover, he (petitioner) is ready and willing to join in the investigation as and when so required by the Investigating Agency and is also not involved in any other criminal case.

Notice of motion.

Mr. Gurlal Singh Dhillon, learned Assistant Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions in the present matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

At this stage, Mr. Bikram Chaudhary, Advocate, has also put in appearance on behalf of the complainant in this case and has submitted his Power of Attorney in the Court today and the same has been placed on the file.

Adjourned to 24.01.2024.

Meanwhile, the petitioner shall join in the investigation 30.10.2023 at 10.00 A.M. sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

4. Learned State counsel, on instructions from ASI Tejinder Pal Singh has confirmed that the petitioner has joined investigation. Though some recovery has been effected but complete recovery has not been effected.

5. Learned counsel for the complainant has opposed the bail application on the ground of non-recovery of the articles.

6. The marriage is alleged to have been solemnized on 25.11.2012. However, there are allegations of beating the complainant but there is no medico-legal report. The petitioner has joined investigation.



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Even the co-accused of the petitioner are also stated to have joined investigation. Merely, on the ground that recovery of some articles is not effected, the application cannot be declined. The allegations and counter-allegations of the parties *inter se* each other are matter of trial.

7. In view of the aforesaid facts and the reasons recorded in the order dated 13.10.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 13.10.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

16.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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