

CRM-M-52693-2023 (O&M)
Date of Decision: 02.02.2024

GURWINDER PAL

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Mayur Karkra, Advocate,
for the petitioner.

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

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.100 dated 25.08.2023 under Sections 406 and 498-A of the IPC, registered at Police Station Urban Estate, District Patiala.
2. Counsel for the petitioner *inter alia* contends that the petitioner was granted interim bail as per the order dated 17.10.2023 passed by the co-ordinate Bench of this Court.
3. The relevant portion of the aforesaid said order reads as under:-

XXXX XXXX XXXX XXXX

“Learned counsel for the petitioner, inter-alia, contends that the petitioner-husband has been got falsely implicated by the complainant-wife in the criminal case under reference whereas neither he had ever subjected her (wife) to cruelty nor had demanded

dowry and the allegations levelled against him in the subject FIR are sans any truth/substance and moreover, he (petitioner) is ready and willing to join 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. Virat Rana, learned Assistant Advocate General, Punjab, who has put in appearance 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 time to get proper and complete instructions qua the present matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

Adjourned to 02.02.2024.

Meanwhile, the petitioner shall join in the investigation on 03.11.2023 at 10:00 AM 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. Counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 17.10.2023 passed by the co-ordinate Bench of this Court.

5. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Vikramjeet Singh confirms that the petitioner has

joined investigation and also contends that his further custodial interrogation is not required.

6. In view of the reasons recorded in the order dated 17.10.2023 and keeping in view the fact that the petitioner has joined investigation, his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 17.10.2023 passed by the co-ordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

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

8. Liberty is reserved in favour of the State/complainant to move for cancellation/recall 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.

9. Pending miscellaneous application (s), if any, shall also stand disposed of.

February 02, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No