

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53181-2023 (O&M)

DATE OF DECISION : 01.05.2024

MOHAMMAD YUNUS

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sunny K. Singla, for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Anshul Gupta, Advocate for respondent No.2.

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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.20 dated 12.09.2023 registered at Women Police Station Malerkotla, District Malerkotla, under Sections 498-A and 377 IPC.

2. On 19.10.2023 following order was passed:

“xxxx Learned counsel for the petitioner, *inter-alia*, contends that the complainant-wife has got the petitioner-husband falsely implicated in the criminal case under reference whereas in fact, the petitioner had never ever subjected her to cruelty or the unnatural offence as alleged in the subject FIR and rather, the complainant-wife is not interested in joining the company of the petitioner and the petitioner had already preferred the Suit (Annexure P-5) against her in the concerned Family Court for seeking the Restitution of Conjugal Rights and the subject FIR has been got lodged subsequently as the counter-blast to the same and moreover, the 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.

Mr. Anshul Gupta, Advocate, has also appeared 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 15.02.2024.

Meanwhile, the petitioner shall join in the investigation on 06.11.2023 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. ”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by this Court. Even he has been granted regular bail after submission of challan/final report under Section 173 Cr.P.C.

4. Learned counsel for the complainant has opposed the bail application on the ground of gravity of allegations and contends that there is a CCTV installed in the matrimonial house in which the incident of beating the complainant has been recorded.

5. Learned State counsel, on instructions from ASI Baljinder Kaur, has confirmed that the petitioner has joined investigation in compliance of the order passed by this Court and challan has been presented in the Court. However, it is submitted that the complainant refused for her medical examination after registration of the FIR. State counsel has further confirmed that no medical examination report qua the alleged occurrence dated 28.05.2023 has been provided to the investigating agency.

6. In view of the aforesaid facts and the reasons recorded in the

order dated 19.10.2023 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 19.10.2023 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.

01.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*