

CRM-M-54530-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-54530-2023

Date of decision: 06.02.2024

Lakhwinder Singh @ Lakhwinder Verma

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) for grant of anticipatory bail to the petitioner in case FIR No.073 dated 28.08.2023, under Sections 406 & 498-A IPC registered at Police Station Women, District Patiala

2. On 30.10.2023 the following order was passed:-

The petitioner herein seeks the relief of anticipatory bail in the criminal case arisen out of the FIR bearing No.073 dated 28.08.2023 registered at Police Station Women, District Patiala, under Sections 406 and 498-A IPC.

Learned counsel for the petitioner, inter-alia, contends that in fact, the petitioner and the complainant-wife are having temperamental differences and due to this reason, she (complainant) has got the petitioner falsely implicated in the criminal case under reference whereas the petitioner has never ever subjected her to cruelty and moreover, he (petitioner) is ready and willing to join in the investigation as and when 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 appeared in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the instant matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

Adjourned to 06.02.2024.

Meanwhile, the petitioner shall join in the investigation on 15.11.2023 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 State counsel, on instructions from ASI Balkar Singh, has stated that pursuant to the order dated 30.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of the above, the interim order dated 30.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

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7. Needless to say that anything observed herein above shall not
be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 06, 2024
Ajay

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