

CRM-M-54998-2023
Date of decision: 01.03.2024

Harjinder SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This second petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.28 dated 22.04.2023 under Section 498-A of IPC (Section 406 of IPC added later on) registered at Police Station Varowal, District Tarn Taran.

The learned State counsel has filed status report dated 22.02.2024 by way of affidavit on behalf of respondent No.1-State in compliance of earlier order dated 03.11.2023 and the same is taken on record.

On 03.11.2023, the following order was passed:-

'Prayer in this 2nd petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.28 dated 22.04.2023 registered under Section 498-A IPC (Section 406 IPC added later on) at Police Station Verowal, District Tarn Taran.

Learned counsel for the petitioner, inter alia, submits that the petitioner was married to respondent No.2/complainant on 09.12.2018 and no child was born out of the said wedlock. Respondent No.2/complainant had left the matrimonial home on her own free will and accord in the year 2022 and the parties are living separately since

then. It is submitted that the allegations levelled in the FIR are utterly false and fabricated. The petitioner is not in any illicit relations with another girl. It is further submitted that all the other co-accused of the petitioner i.e. father-in-law, mother-in-law, brother-in-law and sister-in-law of respondent No.2/complainant have been granted the concession of bail by the Sessions Court, Tarn Taran, vide order dated 13.07.2023. Learned counsel also submits that the petitioner has even filed a petition (Annexure P-2) under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Abhaypal Singh Gill, DAG, Punjab, accepts notice on behalf of respondent No.1-State and vehemently opposes the prayer for grant of anticipatory bail to the petitioner. However, on instructions from ASI Kamaljit Singh, learned counsel for the State admits that all the aforesaid co-accused of the petitioner have been granted the concession of bail by the learned Sessions Court, Tarn Taran.

Adjourned to 22.02.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigating and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- 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/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.'

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

In view of the statement of learned State counsel, order dated 03.11.2023 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

01.03.2024
Neha

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