



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

**CRM-M-57874-2023 (O&M)
Date of Decision: 12.11.2024**

BALKAR SINGH**...Petitioner****Versus****STATE OF PUNJAB****...Respondents****CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN****Present:-** None for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Ankur Mehta, Advocate for
Mr. A.S. Manaise, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail to the petitioner in case FIR No.221 dated 14.10.2023, under Sections 420, 498-A IPC, 1860, registered at Police Station City Gurdaspur, Tehsil and District Gurdaspur.
2. On 17.11.2023, the Coordinate Bench of this Court passed the following order and directed the petitioner to join the investigation:

Learned counsel for the petitioner would contend that the petitioner is the father-in-law of the complainant and that son of the petitioner and daughter-in-law are residing abroad. Learned counsel for the petitioner would further contend that the allegations, at best, are against the son and not against the petitioner herein.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab, who is present in Court, accepts notice on behalf of the respondent-State. Mr. Komal Preet Singh, Advocate assisting counsel of Mr. A.S. Manaise, Advocate has put in appearance and accepts notice on behalf of the complainant and



has filed power of attorney of Mr. A.S. Manaise, Advocate, which is taken on record.

List on 20.02.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.'

3. Thereafter on 21.05.2024, the following order was passed by this Court:

'Learned counsel for the petitioner seeks one more opportunity to join the investigation.

Adjourned to 08.08.2024.

Petitioner shall join the investigation within a period of 15 days from today.

Costs of Rs. 10,000/- as litigation expenses by way of a demand draft in favour of the complainant be paid to her.

Interim order to continue till the next date of hearing.'

4. Learned State counsel on instructions from SI Banarasi Dass has informed that the petitioner has not joined the investigation in terms of the aforesaid orders.

5. Learned counsel for the complainant submits that even the costs of Rs.10,000/- as litigation expenses in terms of the order dated 21.05.2024 has not been paid by the petitioner.

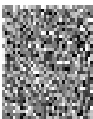
6. Neither the order dated 17.11.2023 not the order dated 21.05.2024 has been complied with by the petitioner.

7. Even there is no representation on behalf of the petitioner today.

8. In such circumstances, the petitioner is not entitled for concession of anticipatory bail by invoking jurisdiction under the provisions of Section 438 Cr.P.C.

9. Consequently, the petition stands dismissed.

10. Interim order dated 17.11.2023 stands vacated.



11. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
12. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12.11.2024
P.Bhatt

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