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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59300-2023 (O&M)

Date of Decision: 19.03.2024

MALKEET SINGH

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Bikramjit Singh Baath, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Rajesh Kapila, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0063 dated 07.10.2023 under Section 498-A of the Indian Penal Code, 1860 registered at Police Station Kahnuwan, District Gurdaspur.

2. On 28.11.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0063 dated 07.10.2023 under Section 498-A of the Indian Penal Code, 1860 registered at Police Station Kahnuwan, District Gurdaspur.

Learned counsel for the petitioner would contend that in the petition filed by the parents of the petitioner being CRM-M-54674-2023 the petitioners therein were directed to deposit an amount of Rs.1,50,000/- with the Registrar of this Court in order to show their bonafides and the said amount has been deposited. The learned counsel would further contend that even as per the contents of the FIR the parties have entered into a compromise and that the petitioner and his parents had agreed to return the amount of Rs.3.50 lakhs which was spent on the wedding along with all the dowry articles. It is further contended that the petitioner is still willing to abide by the terms of the compromise.

Notice of motion.

Mr. M.S. Tiwana, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

List on 26.02.2024.

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 personal bonds with adequate surety 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. Learned counsel for the petitioner as also learned counsel for respondent No.2 are *ad idem* that the parties have amicably settled their matter.

4. Learned State counsel, on instructions from ASI Palwinder Singh, has stated that pursuant to the order dated 28.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

5. In view of above, the petition is allowed and interim order dated 28.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be interpreted as 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.

7. 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.

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

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

19.03.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No