

CRM-M-62277-2023
Date of decision: 1st May, 2024

...Petitioner(s)

Versus

...Respondent(s)

Present: Mr. H.S. Jakhal, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Mr. Manuj Nagrath, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in case arising out of FIR No. 148 dated 14.12.2022 initially registered under Section 498-A of IPC at Police Station Lakho Ke Behram, Tehsil and District Ferozepur and offence under Section 307 of IPC having been added later on, on the basis of DDR No. 45 dated 20.10.2023.

2. Vide order dated 12.12.2023 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 12.12.2023 passed by this Court reads as under:-

“Present petition has been filed by the petitioner under

Section 438 of Cr.P.C. seeking anticipatory bail in case FIR No.148 dated 14.12.2022 (Annexure P-1) registered under Section 498-A of IPC and in DDR No.45 dated 20.10.2023 (Annexure P-2) registered under Section 307 of IPC at Police Station Lakho Ke Behram, Tehsil and District Ferozepur on the basis of written complaint filed by the complainant-Nancy Rani making allegations of being harassed and assaulted by her husband as well as his family members on account of unlawful demand of dowry. As per the allegations, on 09.12.2022 at about 7-8 pm, the present petitioner who is his brother-in-law, husband and other members of in-laws family, had extended beatings to her and her husband had made her consume some poisonous substance thereby, making an attempt to kill her.

It has been submitted by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of vague, general and omnibus allegations of her extending beatings to the complainant. He is residing separately with his wife and not with his family. The allegation as levelled against him did not make any case for commission of offence punishable either under Section 498-A or Section 306 of IPC.

Notice of motion.

On asking of the Court, Mr. Himani Arora, A.A.G., Punjab accepts notice on behalf of the respondent-State and seeks time to file status report.

Adjourned to 23.01.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds

to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel has submitted that the petitioner had joined investigation on 19.12.2023 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 12.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

1st May, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No