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

CRM-M-54085-2023 (O&M)

Date of Decision: 30.01.2025

Pawandeep Singh

..... Petitioner

Versus

State of Punjab and Another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanjeev Kumar, Advocate
for the petitioner.

Ms. Seena Sandhu, Addl. AG, Punjab.

Mr. M.S. Dua, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.192, dated 19.09.2023, under Sections 498-A & 406 IPC, registered at Police Station Sadar, District Fazilka.

2. It is submitted by learned counsel for the petitioner that the present matter was sent to the Mediation and Conciliation Centre of this Court but the same has failed and remains unsettled. He further submitted that it is a case where there is a matrimonial dispute arose between the parties and there was no allegation of entrustment of any article of *stri dhan* and even otherwise also, whatever gifts were given to the petitioner by the family of respondent No.2/complainant have already been returned back during the course of investigation. He also submitted that in pursuance of the order dated 15.11.2023, the petitioner has not only joined the investigation



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but has also fully cooperated with the investigation process and therefore, the aforesaid interim order may be made absolute.

3. On the other hand, Ms. Seena Sandhu, learned Addl. AG, Punjab, has stated on instructions and also by referring to the affidavit filed by the State that in pursuance of the order dated 15.11.2023, the petitioner has joined investigation and has cooperated with the investigation process and is not required for custodial interrogation. She also submitted that the gifts and other articles, if any, have since been returned to respondent No.2/complainant during the course of investigation.

4. Mr. M.S. Dua, learned counsel for respondent No.2/complainant has opposed the grant of anticipatory bail to the petitioner on the ground that it is a case where serious allegations have been levelled against the petitioner even in the FIR where an attempt to killing of complainant was made by him and therefore, he does not deserve the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. It is a case where in pursuance of the order dated 15.11.2023, the petitioner has already joined investigation and has cooperated with the investigation process and even as per the learned State Counsel, it is based upon the affidavit which has been filed by the State that the petitioner is not required for custodial interrogation and the gifts, if any, have been returned back to respondent No.2/complainant. However, learned counsel for respondent No.2/complainant has made an objection to the grant of anticipatory bail to the petitioner on the ground that there was a serious allegation against the petitioner pertaining to attempt to murder before registration of the FIR. This Court is of the considered view that such an

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objection raised by the learned counsel for respondent No.2/complainant would not be sustainable because there is no subsequent event which is alleged to have happened after the grant of interim bail to the petitioner and the allegation, if any, with regard to attempt to murder was prior to the registration of the FIR. The petitioner has already joined investigation and has fully co-operated with the investigation process and as per the learned State Counsel, the petitioner is not required for custodial interrogation and therefore, this Court deems it fit and proper to grant anticipatory bail to the petitioner.

7. Consequently, the present petition is allowed and the order dated 15.11.2023 is hereby made absolute.

30.01.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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