

(2012) 03 P&H CK 0137

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-6991 of 2012 (O and M)

Balwinder Singh

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: March 26, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 173, 438, 438(2)
- Penal Code, 1860 (IPC) - Section 406, 498A

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.

this Court, on March 14, 2012, had passed the following order:

The present petition has been filed u/s 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 6 dated 6.1.2011 registered at Police Station Beas, District Amritsar, under Sections 406 and 498-A IPC.

Learned Counsel for the petitioner contends that the impugned FIR was lodged by Jatinder Kaur wife of the petitioner. It is submitted that during investigation, the petitioner and the complainant have amicably resolved their dispute and they have started living as husband and wife. Learned Counsel submits that due to resumption of the matrimonial ties between the parties, the petitioner may be granted pre-arrest bail, especially when they are having a minor son.

Issue notice of motion for 26.3.2012.

Meanwhile, in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however join the investigation as and when called for and he will also abide by the conditions as specified u/s 438 (2) Cr.P.C.

Today counsel for the State, on instructions from ASI Harbans Singh, Police Station Beas, District Amritsar, states that the petitioner has joined the investigation and is no longer required for custodial interrogation by the investigating agency. Furthermore, counsel for the State has not disputed the factum of compromise arrived at between the parties.

2. For the reasons stated in order dated March 14, 2012 and in view of the statement made by Counsel for the State, the present petition is accepted. The interim bail granted to the petitioner vide order dated March 14, 2012 is made absolute and it is ordered that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting/investigating officer. However, he shall continue to appear before the investigating agency as and when called-for till filing of a report u/s 173 Cr.P.C. He shall also abide by the conditions specified u/s 438 (2) Cr.P.C. On submission of the report u/s 173 Cr.P.C., the petitioner shall be permitted to furnish regular bail bonds to the satisfaction of the trial Court.