



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M-42222-2024 (O&M)

Date of Decision: 13.01.2025

Sahilpreet Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Jaideep Verma, Advocate for the petitioner.

Mr. Manmeet Singh Teji, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in this 2nd petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No. 0040 dated 20.06.2024 (Annexure P-1) registered under Sections 498-A and 323 IPC (Section 323 IPC added later on 17.08.2024) at Police Station Sadar Rupnagar, Punjab.

On 01.10.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in the Second Anticipatory Bail Petition under Section 438 Cr.P.C. in the FIR No. 0040 dated 20.06.2024 (Annexure P-1) under Sections 498-A & 323 IPC (Section 323 added later on 17.08.2024), registered at Police Station Sadar Rupnagar, Punjab.

Learned counsel for the petitioner inter alia submits that the petitioner was married to the complainant/ respondent No.2 herein about 6 years ago and one female child was born out of their wedlock. It is submitted that the allegations made in the FIR to the effect that on 31.3.2024 the petitioner with his family members had tried to set the complainant ablaze by pouring diesel on her, are utterly false and fabricated. It is submitted that thereafter a compromise dated 07.04.2024 was entered into between the parties. However the complainant resiled from the said compromise and has filed the present FIR after a delay of almost 3 months i.e. on 20.06.2024 in respect of the incident



dated 31.03.2024. It is further submitted that even as per the enquiry conducted into the FIR by the concerned DSP (Detective), Rupnagar, no evidence has been found against the petitioner and other accused. It is accordingly prayed that the petitioner be granted concession of anticipatory bail.

Learned counsel for the petitioner undertakes that the petitioner is ready to join the investigation as and when required and shall cooperate with the investigating agency.

Notice of motion.

Mr. Kunwarbir Singh, A.A.G., Punjab, accepts notice on behalf of respondent No.1-State.

Learned counsel for the State in compliance of last order dated 30.08.2024 files status report dated 30.09.2024 by way of an affidavit of the Deputy Superintendent of Police, Rupnagar, District Rupnagar on behalf of respondent No.1-State of Punjab in Court today, which is taken on record. He also files MLR report dated 31.03.2024 in Court and the same is taken on record.

Learned counsel for the State opposes prayer made on behalf of the petitioner and on instructions from ASI Rajinder Singh, submits that the complainant was admitted in the hospital on 31.03.2024 and discharged on 03.04.2024. He further submits that as per the MLR dated 31.03.2024, 2 simple injuries were found on the person of the complainant. On a direct Court query, learned counsel for the State, on instructions, informs this Court that there was neither trace of diesel on the complainant nor on the clothes of the complainant.

In view of the facts as noticed above, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he will be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i. that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii. that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii. that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Adjourned to 13.01.2025.”

Learned counsel for the petitioner submits that in compliance of the order 01.10.2024, the petitioner has joined the investigation.



On instructions from ASI Rajinder Singh, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation on 09.10.2024 and is co-operating with the investigating agency.

In view of the above, the interim order dated 01.10.2024, passed by this Court directing the petitioner to join the investigation and co-operate with the Investigating Agency, is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so. In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

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

13.01.2025

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No