

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

(205)

CRM-M-19239-2015

Decided on: August 25, 2015.

Mohinder Kaur and another

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ritesh Pandey, Advocate,
for the petitioners.

Mr. Jashan Preet Singh, AAG, Punjab.

Mr. Sarju Puri, Advocate,
for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioners are father-in-law and mother-in-law of deceased Manju Bala. As per the allegations in the FIR, they had connived with their son in torturing the deceased. There are allegations of beating and demand of dowry. Since the marriage was more than ten years old, the prosecution agency had initially registered case under Section 302 IPC but later on, the offence appears to have been converted into offence under Section 306 IPC.

Learned counsel for the petitioners submits that the petitioners had been living separately. Learned counsel for the complainant on the other hand has contended that there are serious allegations against the petitioners as well as against their son for having maltreated the deceased compelling her to take her life.

On the instructions from ASI Darbara Singh, learned State counsel informs that on the basis of investigation conducted by special

investigation team, the petitioners have been found to be not directly involved in the case, as such it has been decided to keep their names in Column No.2 of report under Section 173 (2) Cr.P.C.

I have gone through the report of the special investigation team.

Perusal of the report indicates that the statement of the persons acquainted with the facts from the complainant side have not been recorded or taken into consideration by the special investigation team.

Without expression of any opinion regarding authenticity, reliability and relevance of the report of DSP, at this stage, without any prejudice to the right of the complainant, the petitioners who have already joined investigation can be granted the concession of pre-arrest bail.

This petition is allowed. It is ordered that in case of arrest of petitioners, they will be released on bail to the satisfaction of the arresting officer, subject to the following conditions:

- (1) Petitioners will join investigation/re-investigation/further investigation as and when required by the investigating agency
- (2) Petitioners will not tamper with the evidence or hamper investigation, in any manner.

Nothing said in this order will prejudice the right of the complainant to enforce his legal rights to proceed against the petitioners by approaching the competent authority i.e. police authorities or the Court of law.

(M.M.S. BEDI)
JUDGE

August 25, 2015
harsha