

CRM No.M-22396 of 2014
CRM No.M-20457 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM No.M-22396 of 2014

Pankaj Chadha

..Petitioner

Versus

State of Punjab

..Respondent

(2) CRM No.M-20457 of 2014

Jawahar Chadha

..Petitioner

Versus

State of Punjab

..Respondent

Date of Decision: - 09.01.2015

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Kanwaljit Singh, Senior Advocate
with Mr. I.P.S. Kohli, Advocate,
for the petitioners.**

**Mr. J.S. Sekhon, A.A.G., Punjab,
for the respondent-State.**

**Mr. Shailender Kashyap, Advocate
for Mr. Parveen Mehta, Advocate
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

As identical points to grant the concession of anticipatory
bail to the petitioners or otherwise, are involved, therefore, I propose to
dispose of indicated criminal petitions bearing CRM No.M-22396 of

2014 titled Pankaj Chadha Vs. State of Punjab (for brevity “the 1st petition”) and CRM-M No.20457 of 2014 titled Jawahar Chadha Vs. State of Punjab (for short “2nd petition), arising out of the same case/FIR, by means of this common order, to avoid the repetition of facts.

2. The petitioners have preferred the instant separate petitions for the grant of anticipatory bail, in a case registered against them, vide FIR No.37 dated 15.05.2014, on accusation of having committed the offences punishable under Sections 406 and 498-A -B IPC, by the police of Police Station Women Cell, District Ludhiana.

3. Notices of the petitions were issued to the State.

4. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petitions for anticipatory bail deserve to be accepted in this context.

5. During the course of preliminary hearing, the following order was passed by this Court on July 08, 2014, in 1st case :-

“Learned counsel, inter alia, contended that although petitioner is not at fault in any manner, but he is still ready to amicably settled the dispute with his wife (complainant) Jyoti Chadha. The argument is that in case of failure of amicable settlement, even, he is ready to return the cash and dowry articles to her.

Heard.

Notice of motion be issued to the respondent.

At this stage, Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab and Mr. Parveen Mehta, Advocate appear, accept notice on behalf of the State and complainant respectively and seek time to argue the matter.

Adjourned to 28.07.2014 for arguments, at the request of counsel for the State-complainant.

Meanwhile, the petitioner is directed to join the investigation before the

next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of ₹25,000/- to his satisfaction.”

6. Sequelly, the similar order was passed by a Co-ordinate Bench of this Court (Mahavir S. Chauhan, J.) on June 12, 2014, in 2nd petition as well.

7. At the very outset, on instructions from ASI Gurdev Singh, learned State Counsel, has acknowledged the relevant factual matrix and submitted that the petitioners have already joined the investigation. They are no longer required for further interrogation, at this stage. There is no history of their previous involvement in any other criminal case. All the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time. Moreover, learned counsel are *ad idem* that the parties have amicably settled their disputes.

8. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petitions for anticipatory bails are accepted. The interim bails already granted to the petitioners, by virtue of indicated orders of this Court, are hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petitions for anticipatory bails. At the same time, in case, the petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of their bail, in this Court.

January 09, 2015
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(MEHINDER SINGH SULLAR)
JUDGE