

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

CRM-M-23104-2015

Date of decision: 16.11.2015

Balwinder Singh and anr.

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Dinesh Kumar, Advocate
for the petitioners.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

Mr. Jaspreet Singh, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioners seek pre-arrest bail in FIR No.191 dated 28.08.2014 under Sections 406, 498-A IPC, registered at Police Station Phase-I Mohali, District SAS Nagar (Mohali).

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioners submits that petitioners have joined the investigation, in compliance of the order passed by this Court. He further submits that initially, the petitioners were not the accused and the FIR was registered only against the husband of the complainant who is son of the petitioners. However, petitioners were sought to be made accused at a later point of time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Lakhbir Singh, Police Station Phase-I Mohali as well as learned

counsel for the complainant submit that although the petitioners have joined the investigation but they did not cooperate with the investigating agency in getting the recovery effected. They pray for dismissal of the present petition.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that in view of the given fact situation obtaining in the present case, petitioners have been found entitled for the concession of anticipatory bail. It is so said because it is a matter of record that the petitioners were not found to be the accused by the investigating agency at the initial stage. However, at a later point of time, petitioners were also sought to be implicated in the present case, at the instance of the complainant. In such a situation, custodial interrogation of the petitioners would not be required.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed and the order dated 20.07.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

16.11.2015
vishnu