

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6540-2015 (O&M)

Date of decision: 25.08.2015

Ram Sarup Saini

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. RS Chauhan, Advocate for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

Mr. SPS Sidhu, Advocate for respondent No. 2-complainant.

R.P. NAGRATH, J. (ORAL)

CRM-27629-2015

Application is allowed as prayed for.

Copy of report of Deputy Superintendent of Police (Investigation), Pathankot dated 17.04.2015 (Annexure P-6) be taken on record, subject to all just exceptions.

CRM-M-6540-2015

This petition under Section 438 Cr.P.C. has been filed by the petitioner seeking anticipatory bail in FIR No. 03 dated 14.01.2015 registered under Sections 313/498-A/406/323/120-B of the Indian Penal Code at Police Station Taragarh, District Pathankot.

When this case was listed on 27.02.2015, following order was passed:-

“Contends that petitioner is father in law and 62 years old. Very vague and general allegations on account of demand of dowry are assigned to the petitioner. No case under Section 313 IPC is made out as the miscarriage was the result of medical complications.

On the oral request made by learned counsel for the petitioner, the complainant is ordered to be impleaded as respondent No.2. The Registry is directed to make the necessary correction in the memo of the parties.

Notice of motion for 27.03.2015.

At the asking of the Court, Ms. Harsimrat Rai, DAG, Punjab, accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

At this stage, Mr. Dheeraj Mahajan, Advocate appears and accepts notice on behalf of the complainant.

The petitioner shall pay Rs. 15,000/- quantified as cost of litigation to the complainant/respondent No.2. The parties are directed to appear before this Court on the next date of hearing.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he 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 from disclosing such facts to the Court or to any police officer and;*
- 3. That he shall not leave India without previous permission of the Court.”*

Vide order dated 24.04.2015, this case was sent to Mediation and Conciliation Centre of this Court and as per report of the Mediator, the mediation has failed.

Learned State counsel submits that as per report of DSP (Investigation), Pathankot, dated 17.04.2015 (Annexure P-6) Sections 313/323/120-B IPC have since been deleted.

Petitioner is the father-in-law of complainant and he is stated to be 62 years old.

On instructions from ASI Hardip Singh, learned State counsel submits that petitioner has joined the investigation and he is no more required for further interrogation.

In view of the above and without expressing any opinion on merits of the case, the instant petition is allowed and interim bail granted to the petitioner is made absolute. The petitioner shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C. and keep on co-operating the investigation.

August 25, 2015

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**(R.P. NAGRATH)
JUDGE**