

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

CRM-M -34057 of 2016 (O&M)
Date of decision: 28.09.2016

Jasbir Kaur and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. C.L. Pawar, Advocate
for the petitioner(s).

Mr. Ankur Jain, AAG, Punjab
assisted by SI Naresh Kumar.

Mr. M.S. Dhami, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.05 dated 22.01.2016, registered under Sections 323, 325, 308 read with Section 34 IPC, at Police Station Dasuya, District Hoshiarpur.

On 24.09.2016, this Court had passed the following order:-

“Learned counsel refers to Annexure P-2 to contend that compromise has been effected between the parties. Complainant is brother-in-law of petitioner No.1.

Notice of motion.

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.

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

- 1. That they shall make themselves available for interrogation by a police officer as and when required;*
- 2. That they 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 they shall not leave India without prior permission of the Court.*

Post again on 28.09.2016.

To be heard along with CRM-M-19384-2016.”

The learned counsel for the petitioners states that the petitioners stand by the compromise. They had already paid ₹1,50,000/- and in terms of the compromise, the remaining payment of ₹1,50,000/- will be paid within two weeks from today. He further states that petitioners undertake to honour the terms & conditions of the compromise (Annexure P-2) and they have no objection in case the civil suit between the parties is allowed in favour of the complainant. In pursuance of the order dated 24.09.2016, the petitioners have joined the investigation.

The learned counsel for the complainant assures full cooperation on behalf of the complainant. He further states that he

has instructions to state that the complainant will fully endorse the compromise and shall make statement before the trial Court in quashing petition with regard to the compromise.

The learned State counsel, on instructions submits that the petitioners have joined the investigation and he is they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 24.09.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

However, it is made clear that in case the amount of ₹1,50,000/-, in pursuance of the statement made at bar is not deposited within two weeks from today, the present petition shall be deemed to be dismissed without further notice.

28.09.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable: Yes No