

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-37290 of 2016

Date of Decision: 07.11.2016

Vipin Dhawan and another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. L.M.Gulati, Advocate
for the petitioners.

Mr. V.P.S.Sidhu, AAG, Punjab.

Mr. Ashish Aggarwal, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

The petitioners are seeking regular bail in FIR No. 9 dated 1.2.2010 registered at Police Station 'D' Division, Amritsar, District Amritsar under Sections 323, 324, 315, 316, 498-A IPC.

Heard.

The petitioners are in custody since 18.9.2016. They are the in-laws of the complainant. They were earlier declared proclaimed offenders and said order was challenged and the proceedings were stayed. After the dismissal of the revision petition, the petitioners sought anticipatory bail but the Investigating Officer made a statement that the petitioners were not required but later, on further representation by the complainant challan was presented.

Counsel for the petitioners informs that the order passed by the Additional Sessions Judge has been challenged in the High Court and is still

pending. He also states that the complainant is a Lawyer.

Counsel for the complainant states that the heading of the application filed by the petitioners contained wrong facts. It was urged that the petitioners had earlier approached the High Court for anticipatory bail which was dismissed and the petitioners were declared proclaimed offenders and injuries were caused to the complainant which led to the birth of a stillborn child.

State counsel informs that the husband was arrested but was subsequently released on bail.

Petitioners are in custody since September 2016. The proceedings show that the petitioners had earlier approached the High Court for anticipatory bail sometime in 2010 and their application was dismissed. In the initial inquiries, a clean chit was given to the petitioners but in the subsequent inquiries, they were named and they were declared proclaimed offenders. The order declaring them proclaimed offenders was challenged in revision and the P.O. order was stayed. The revision petition was decided sometime in 2014. The order passed by the Revisional Court had been challenged in this Court and the matter is pending. The trial will take time.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioners are ordered to be released on bail on their furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

November 07, 2016

Gurpreet

Whether speaking/reasoned : Yes

Whether reportable : No