

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

CRM-M-15526-2017 (O&M)
Date of decision : 03.10.2017

Prem Chand and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. PKS Phoolka, Advocate for the petitioners.

Mr. H.S. Grewal, Addl.A.G., Punjab,
assisted by ASI Ranjit Singh.

Mr. J.S. Mundi, Advocate for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioners seek pre-arrest bail in case FIR No.139 dated 03.09.2016, registered under Sections 304 and 506 read with Section 34 (now under Sections 498-A and 323 read with Section 34) of the Indian Penal Code, at Police Station Canal Colony, Bathinda.

Learned counsel for the petitioner states that the death occurred due to tuberculosis as reflected in report dated 19.02.2017, prepared by the Civil Hospital, Bathinda. The petitioners have joined the investigation in terms of the orders passed by this Court.

On 04.05.2017, the following order was passed:-

“Learned counsel, inter alia, contends that the petitioners are parents-in-law of the complainant's daughter and marriage of their son was solemnized with complainant's daughter for 15 years back. Out of the said wedlock, two children were born out, who are staying with their mother.

On oral request of learned counsel for the

petitioners, complainant-Shashi Bhushan Gupta son of Mohan Lal, resident of House No.1174, Ward No.32, New Abadi Near Dera Gas, District Khanna, is impleaded as respondent No.2. Subject to deposit of ₹30,000/- as litigation expenses before the Registry of this Court, notice of motion be issued to the respondents for 25.05.2017.

Meanwhile, the petitioners are directed to join the investigation as and when called by the Investigating Officer. In the event of their arrest, they shall be released on bail by the Investigating Officer on their furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C:-

- i. a condition that the person shall make themselves available for interrogation by Police Officer as and when required;*
- ii. a condition that the persons shall not, directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*
- iii. a condition that the person shall not leave India without the previous permission of the Court;*
- iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail was granted under that section.*

Parties including complainant's daughter are directed to be present in the Court on the next date of hearing.”

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioners have joined the investigation and they are not required for custodial interrogation.

Heard.

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 04.05.2017, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

03.10.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No