

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

CRM-M -17388 of 2017 (O&M)
Date of decision: 16.08.2017

Vishwa Mitter and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ramdeep Partap Singh, Advocate
for the petitioner(s).

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. Vipul Sharma, 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.24 dated 12.02.2017, registered under Section 304-B of IPC, at Police Station Civil Line, Batala.

On 17.05.2017, this Court had passed the following order:-

“The petitioners pray for grant of bail in anticipation of arrest in FIR No.24 dated 12.02.2017 for offence punishable under Section 304-B IPC registered at Police Station Civil Lines, Batala.

Counsel for the petitioners inter alia contends that Vishwa Mitter, father-in-law is 79 years old and he retired from Education Department 20 years before. Sunita Rani @

Rani, mother-in-law is more than 70 years of age. It is further submitted that marriage of the deceased with Anish Mahajan, son of the petitioners was performed three years prior to the occurrence and there is son born out of the wedlock. Anish Mahajan and his wife along with their child had been residing on the first floor of the house wherein other family members including the petitioners were residing on the ground floor. Further argued that in the FIR lodged at the instance of brother of the deceased, there is no specific allegation as to how the deceased was being harassed much less meted out with cruelty on account of alleged demand of money. Another submission made by counsel is that if Munish Mahajan, elder brother of Anish Mahajan wanted to go abroad and money was needed for the purpose, the demand would have been made from wife of Munish Mahajan in place of from the wife of Anish Mahajan. The last submission made by counsel is that the petitioners are ready to join investigation and co-operate throughout.

Notice of motion.

Mr. Ankur Jain, AAG, Punjab accepts notice on behalf of the respondent while Mr. Vipin Mahajan, Advocate has appeared on behalf of the complainant.

Counsel for the petitioners is directed to supply a copy of paperbook to counsel opposite during course of the day.

In the meantime, the petitioners are directed to join investigation and on their appearance before the Investigating Officer, they shall be released on interim bail, subject, however to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*
- 2. 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 them from disclosing such facts to*

the Court or to any police officer; and
3. They shall not leave India without previous permission of
the Court.
Adjourned to 16.08.2017.”

It is contended that in pursuance of the order dated 17.05.2017, the petitioners have joined the investigation.

The learned State counsel, on instructions submits that the petitioners have joined the investigation.

The learned counsel for the complainant opposes the bail application.

The petitioners are parents in-law. Petitioner No.1 is aged about 80 years and petitioner No.2 is 70 years of age. No specific allegations have attributed to the petitioners. Keeping in view the fact that the petitioners have joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 17.05.2017, 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.

16.08.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

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