

**206-A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No. M-17935 of 2017 (O&M)

Date of Decision: 04.10.2017.

Balvir Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Bhoop Singh, Advocate,
for the applicant-petitioners.

Ms. Gulnoor Ghuman, AAG Punjab.

Mr. RVS Chugh, Advocate,
for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

CRM No.29719 of 2017

This is an application for amendment of the petition seeking addition of offence under Section 406 IPC in the petition.

It is contended that the police has added Section 406 IPC later on and due to this fact Section 406 IPC could not be mentioned in the head note and prayer clause of the petition. It is further contended that the petitioners have joined the investigation and recovery of dowry articles has already been effected.

This Court **Manjit Kaur vs. State of Punjab (P&H)** **2013(4) RCR (Criminal) 250** held that when a person has been arrested on account of allegations made in the FIR and released on bail, the position will not change simply by adding a new Section of non-bailable offence nor the police can re-arrest him.

In view of above, the application is allowed. The order dated 19.05.2017 passed by this Court allowing joining of investigation shall be deemed to include offence under Section 406 IPC as well.

Main case

The present petition has been filed under Section 438 Cr.P.C seeking anticipatory bail in case FIR No. 93 dated 09.05.2017 registered under Sections 498-A, 323, 506 and 406 IPC at Police Station Sahenwal, District Ludhiana.

On 19.05.2017 this Court had passed the following order:-

“Counsel for the petitioners inter alia contends that the present FIR is the result of temperamental differences between Pawanpreet Singh and Kuljeet Kaur, his wife (complainant). On 03.03.2017 an agreement was arrived at between Pawanpreet Singh and Kuljeet Kaur and the complainant came back to the matrimonial home but still the husband and wife could not reconcile their differences and she lodged the instant FIR on 09.05.2017. In the compromise dated 03.03.2017 there is no reference to any demand of dowry or harassment to the complainant in connection thereof. The petitioners are the parents-in-law of the complainant and they are ready to rehabilitate the complainant in the matrimonial home particularly in the circumstances that there is a female child born out of the wedlock presently residing with the mother.

Notice of motion.

Mr. Ankur Jain, AAG, Punjab accepts notice on behalf of the respondent.

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

In the meantime, the petitioners are directed to join investigation within a period of 10 days and they shall be released on interim bail subject 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.

Be listed on 08.08.2017.”

It is contended that in pursuance of the order dated 19.05.2017, the petitioners have joined the investigation. The recovery of dowry articles has already been effected.

Learned State counsel, on instructions, states that the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of above, the order dated 19.05.2017 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioners to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

04.10.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No