

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

CRM-M-19039-2016

Date of decision: 11.10.2017

Satish Kumar & Anr.

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashok Giri, Advocate,
for the petitioners.

Mr. Sidakmeet S. Sandhu, A.A.G., Punjab.

Mr. H.S. Randharwa, Advocate, for
Mr. P.S. Ahluwalia, Advocate, (amicus curiae) along with
the complainant in person.

JAISHREE THAKUR, J. (ORAL)

Instant petition under Section 438 Cr.P.C. has been filed by the petitioners seeking anticipatory bail in case FIR No.71 dated 10.05.2016 under Sections 406, 498-A and 354-D IPC, registered at Police Station Nangal, District Rupnagar.

On 28.05.2016, this Court was pleased to pass the following order :-

“Learned counsel for the petitioners submits that earlier also, the dispute was there between the parties and the compromise was effected on two occasions. All family members have been implicated in the case including brother-in-law and married sister-in-law. Husband of the complainant was away to abroad and now he has returned to India. He has filed a petition under Section 13 of the Hindu Marriage Act for divorce in the month of April, 2016 and the FIR, in question, has been registered on 10.05.2016, which is subsequent to filing of divorce petition. Learned counsel also submits that the

petitioners are ready to settle the dispute as husband of the complainant has come to India.

Notice of motion for 01.09.2016.

Meanwhile, the petitioners are directed to join investigation and in the event of arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer subject to their depositing an amount of ` 50,000/- by way of draft in favour of complainant, which shall further be handed over to her as litigation expenses. They shall join the investigation as and when required by the Arresting Officer. They shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

(i) that the petitioners shall make themselves available for interrogation before arresting officer as and when required;

(ii) that the petitioners 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;

(iii) that the petitioners shall not leave India without the prior permission of the Court.

Petitioners, husband of the complainant as well as complainant herself are directed to be present in the Court on the next date of hearing.”

Despite an effort having been made by the Mediator in the Mediation and Conciliation Centre of this Court and an effort by this Court itself that the matter should be settled amicably, however, could not fructified.

Learned counsel for the complainant submits that there are no chances of amicable settlement between the parties.

However, learned counsel for the petitioners submits that since the petitioners have joined the investigation, let the interim bail granted to the them be confirmed.

This fact has not been disputed by learned counsel for the State.

I have heard learned counsel for the parties.

Since the petitioners have joined the investigation and there are no chances of amicable settlement between the parties, this petition is allowed and interim order dated 28.05.2016 is hereby made absolute subject to the condition that the petitioners will not tamper with evidence or hamper the investigation; will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

11.10.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.