

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

Date of decision: 18.4.2017

1. CRM-M-7495-2016(O&M)

Jaswinder Kaur and anotherPetitioners

VERSUS

State of Punjab & Anr.Respondents

2. CRM-M-8414-2016(O&M)

Balwant Singh**Petitioner**

VERSUS

State of Punjab & Anr.Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

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

Ms. Shivali, AAG Punjab.

Mr.Vivek Chauhan, Advocate for respondent
No.2/complainant.

REKHA MITTAL, J.

This order will dispose of CRM-M No.7495 of 2016 and CRM-M No.8414 of 2016 as these have emerged out of FIR No.9 dated 02.02.2016 under Sections 498-A, 406 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Women Cell, District Ludhiana.

Counsel for the petitioners has submitted that the petitioners have already joined investigation in compliance with interim bail granted by this Court and that they are ready to face the proceedings, in accordance with law, without any default. It is further argued that though the bills produced by the complainant in respect of jewellery weighing 20 tolas do not tally with the jewellery articles depicted in the

photographs produced before the investigating agency, the petitioners are ready to pay a reasonable amount with regard to balance of jewellery claimed by the complainant to be her Istridhan.

Counsel for the State assisted by Mr. Vivek Chauhan, Advocate, counsel for the complainant would urge that recovery is yet to be effected, custodial interrogation of the petitioners is required, therefore, they do not deserve to be allowed benefit of bail in anticipation of arrest. Another submission has been made by counsel for the complainant that as per the allegations raised in the FIR, on 19.12.2014 she was beaten by the accused and accused No.2 (father-in-law) caused injuries to the complainant with a wiper on her arm and back and she was subject to medical examination with regard to receipt of injuries.

Counsel for the petitioners, in reply, has submitted that as per the medico legal report of the complainant, she did not sustain any serious injury sufficient to falsify and belie her plea that she was assailed by her mother-in-law and father-in-law. However, apprehending that the Court is not agreeable for grant of bail to Satwinder Singh (father-in-law of the complainant), he has submitted that petition filed by Satwinder Singh may be dismissed as withdrawn with liberty to surrender before the Court below but some time-bound direction may be issued for disposal of his application for grant of regular bail.

I have heard counsel for the parties, perused the paper-book and the police records.

In view of the statement made by counsel for the petitioners, the petition filed by Satwinder Singh (father-in-law) is ordered to be dismissed as withdrawn with liberty aforesaid. In case the petitioner – Satwinder Singh surrenders before the Illaqa Magistrate

within a period of 10 days and file an application for grant of regular bail, the same shall be decided by the Court within a period of 7 days from the date of its filing.

Petitioners - Jaswinder Kaur and Balwant Singh have already joined investigation. They are ready to compensate the complainant for balance of the jewellery claimed by her.

In view of the above, interim bail granted to the petitioners Jaswinder Kaur and Balwant Singh is made absolute subject to the following conditions:-

- (i) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) 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 him from disclosing such facts to the Court or to any police officer;
- (iii) they shall not leave India without the previous permission of the Court.
- (iv) they shall prepare a demand draft of Rs.4,00,000/- in the name of the complainant and the same shall be handed over to the Investigating Officer within a period of one month but payment of amount of Rs.4,00,000/- to the complainant shall be subject to outcome of the litigation.

Failure of the petitioners to comply with the direction with regard to payment of Rs.4,00,000/- would entail dismissal of the petition.

Photocopy of this order be place on the file of connected case.

APRIL 18, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

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