

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

CRM-M -5064 of 2017 (O&M)

Date of decision: 15.05.2017

Kashmir Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. M.S. Bedi, Advocate for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab.

Mr. Navjeet Singh, 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.287 dated 20.10.2015, registered under Sectionss 363, 366 and 120-B of IPC, at Police Station Salem Tabri, District Ludhiana.

On 16.02.2017, this Court had passed the following order:-

“Learned counsel for the petitioner contends that the son of petitioner No. 1 got married to Pooja Rani who was major, against the wishes of parents of Pooja Rani and even they got protection, vide order dated 29.10.2015 (P-2). The present F.I.R registered against the petitioners is an abuse of process of law.

Notice of motion for 03.03.2017.

To be heard along with CRM-M-3191 of 2017.

Meanwhile, 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 persons 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 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. a condition that the persons 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 were granted under that section.”*

It is contended that in pursuance of the order dated 16.02.2017, the petitioners have joined the investigation.

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

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 16.02.2017, 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.

15.05.2017

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(JITENDRA CHAUHAN)
JUDGE

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