

212 In the High Court of Punjab and Haryana at Chandigarh

CRM -M-628 of 2017

Date of Decision: 30.5.2017

Shri Krishan and another

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.B.S.Dhillon, Advocate
for the petitioners**

Mr. Ankur Jain, AAG, Punjab

**Respondent No. 2 in person
Mr. Sandeep Arora, Advocate
for respondent No.2**

Rekha Mittal, J.

The petitioners pray for grant of bail in anticipation of arrest in FIR No. 07 dated 16.7.2016 under Sections 406/498-A of the Indian Penal Code (in short "IPC") registered at Police Station, NRI, District Gurdaspur.

Counsel for the petitioners has submitted that the complainant has raised a claim for jewellery weighing 10 tolas out of which 2 tolas has already been recovered. Counsel further submits that though the petitioners are not in possession of the remaining jewellery but still they are ready to compensate the complainant in regard to her claim by payment of an amount of Rs. 2.5 lakhs, if so directed by this Court. It is further submitted

that the petitioners are ready to join investigation and co-operate throughout.

Counsel for the complainant would urge that there is no effort on the part of the petitioners to rehabilitate the complainant when admittedly husband of the complainant is residing abroad, therefore, the petitioners are not entitled to pre arrest bail, a concession to be allowed by the court.

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

The petitioners are the parents-in-law of the complainant. Husband of the complainant is staying abroad, therefore, there could not be any settlement between the parties with regard to her rehabilitation. The petitioners are ready to join investigation and compensate the complainant for claim of jewellery.

In view of the above, the petitioners are directed to join investigation within a period of 10 days. On their appearance before the investigating officer, they shall be released on bail subject, however, to the following conditions:-

- (i) They shall join the investigation as and when required by the Investigating Officer.
- (ii) They shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (iii) They shall not leave the limits of this country without prior permission of the Court.
- (iv) The petitioners shall prepare a demand draft of Rs. 2.5 lakhs in the name of complainant in regard to her claim for remaining jewellery and the same shall be handed

over to the investigating officer at the time of joining investigation. The investigating officer is directed to hand over the demand draft to the complainant subject, however, to outcome of the litigation.

Failure of the petitioners to comply with the conditions particularly payment of amount of Rs. 2.5 lakhs would entail dismissal of the petition.

Disposed of accordingly.

(Rekha Mittal)
Judge

30.5.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No