

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13203-2018

Date of decision: 28.08.2018

Subhash Chander Gautam and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Varun Sharma, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioners in case FIR No. 06 dated
20.07.2017 under Sections 498-A, 406 IPC, registered at Police Station
NRI, Bathinda, Punjab.

This Court was pleased to pass the following order on
28.03.2018 :-

*“Counsel for the petitioners contends that pursuant to the
instant FIR, the divorce has already been granted to the
complainant and the son of the petitioners herein. In terms of the
settlement, a sum of CAD 800 is being paid to the complainant as
maintenance.*

Notice of motion for 20.04.2018.

In the meantime, the arrest of the petitioners are stayed for

a period of four weeks and they are directed to join investigation. On doing so, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

Learned counsel for the petitioners submits that pursuant to the order dated 28.03.2018, the petitioners have joined the investigation. It is also argued that both their son and respondent No.2 are resident of Canada and working there while also submitting that divorce has already been granted to them. It is contended that the petitioners are ready to face trial.

Learned counsel for the respondent-State, on instructions from the Investigating Officer, confirms the factum of joining investigation by the petitioners.

Since the petitioners have joined the investigation, the petition is allowed and interim order dated 28.03.2018 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.

28.08.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.