

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

CRM-M-41739-2017

Date of decision: 28.08.2018

Kiran Bala and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Arun Takhi, Advocate,
for the petitioners.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Anandeshwar Gautam, Advocate,
for respondent Nos.2 & 3.

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. 67 dated 20.05.2017 under Sections 420, 406, 498-A, 177 IPC (Section 376 IPC added lateron), registered at Police Station City Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioners herein contends that the allegations as set out in the FIR especially, the newly added Section 376 IPC are not made out against the petitioners herein, who are the parents of the husband of respondent No.3. It is contended that currently even the daughter of the complainant and the son of the petitioners are residing in

Canada and are also pursuing their litigation there for divorce as well as maintenance.

Learned counsel for the respondents No.2 & 3 opposes the grant of anticipatory bail by contending that a fraud had been played upon the complainant and his daughter insofar as the second marriage was performed without obtaining divorce from the first wife, namely Ms. Aarti and also by not mentioning that he was married earlier.

Learned counsel for the respondent-State, on instructions from ASI Pritapal Singh, submits that the petitioners have joined investigation and their custodial interrogation is not required.

I have heard learned counsel for the parties.

In view of the fact that the petitioners herein are parents-in-law of the daughter of the complainant, residing in India, whereas the daughter of the complainant is residing in Canada and also pursuing their litigation in Canada, I deem it appropriate to allow the instant petition and make absolute interim order dated 28.03.2018 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. Ordered accordingly.

However, nothing observed herein shall have any bearing on the merits of the case.

28.08.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)

JUDGE

Yes.

No.