

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

**CRM-M No.15664 of 2020
Date of Decision:25.08.2020**

SUMIT AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Mohan Singla, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition the petitioners seek the grant of anticipatory bail in FIR No.310 dated 24.03.2020, registered under Sections 323/452/506/509/34 IPC at Police Station City Sonipat, District Sonipat.

On 18.06.2020, while issuing notice of motion, this Court had granted interim relief to the petitioners in the same terms as in CRM-M-15381-2020, “ Neelam vs. State of Punjab.” In CRM-M-15381-2020, on 17.06.2020, following interim relief was granted:-

“In the aforesaid situation, without making any comment on the actual merits of the case, the petitioner is directed to join investigation and upon her so joining and complying with all conditions stipulated in Section 438(2) of the Cr.P.C., if she is sought to be arrested, she shall be released on bail, on her

furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate.

If the investigating officer does not actually join the petitioner in investigation, she would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join her in investigation, in terms of the order of this Court.”

Seeking anticipatory bail learned counsel for the petitioners submits that on 19.11.2019 the petitioner No.1's first cousin and petitioner No.2's niece-Swati had got lodged a FIR against her in-laws after which CRM-M-54815 of 2019 was filed by the in-laws of petitioner No.1's first cousin seeking therein quashing of the said FIR on the basis of a compromise. Such petition was disposed of by this Court on 10.02.2020 by directing the Illaqa Magistrate/Trial Court to determine as to whether the compromise stated to have been arrived at between the parties was genuine. Before the Illaqa Magistrate petitioner No.1's first cousin stated that no compromise had been arrived at between the parties on which she was assaulted by her in-laws and in this regard, on 18.03.2020, she filed a complaint with the Women Police Station, Sonipat. As a counter blast to the above, on 24.03.2020, the present FIR was lodged against the petitioners and other family members at Police Station City, Sonipat. The petitioner No.1's first cousin was arrested on 02.06.2020 and thereafter she was granted bail by the Chief Judicial Magistrate, Sonipat. In view of the above, it was submitted that the present FIR was only a backlash to the FIR and complaint lodged by the petitioner No.1's first cousin.

Learned State counsel submitted that under the interim order passed by this Court the petitioners have already joined investigation; have

fully co-operated with the investigating agency and that their custodial interrogation is no longer required.

Keeping in view the facts as narrated above and particularly because the dispute between the parties arises from a matrimonial discord as also in line with the submission made by the learned State counsel that the petitioners have joined investigation; have fully co-operated with the investigating agency and that their custodial interrogation is not required by the investigating agency, this Court is of the considered opinion that custodial interrogation of the petitioners is not warranted.

In view of the above, the order of this Court dated 18.06.2020, granting ad interim anticipatory bail to the petitioners is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

August 25, 2020

Jyoti-IV

(DEEPAK SIBAL)
JUDGE

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