

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

CRM-M-23569-2020

Date of decision:03.11.2020

Sakila and others

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Inderjeet Singh, Advocate for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek anticipatory bail in case bearing FIR No.112 dated 28.07.2020 registered under Sections 148, 149, 323, 452, 506 IPC at Police Station Sadhaura, District Yamunanagar.

On 20.08.2020, this Court passed the following order:-

“Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioners seek anticipatory bail in case FIR No.112 dated 28.07.2020 registered under Section 148, 149, 323, 452, 506 Indian Penal Code 1860 at Police Station Sadhaura, District Yamuna Nagar.

Learned counsel for the petitioners states that the husband of the complainant Gulshan Khan and parents-in-law of the complainant are residing in a village Kotla. Akram Khan, brother of Gulshan Khan, husband of Bego, sister of complainant performed Nikah with Shehnaz and there is matrimonial dispute which has been given color of the criminal proceedings. The counsel for the petitioners further states that the only Section 452 is non-bailable and the other sections are bailable.

Notice of motion.

On the asking of the Court Mr. Ramesh Kumar Ambavta AAG, Haryana, accepts notice on behalf of the respondent

State. Learned State counsel states that Sarpanch of the village rather rescued the complainant and her sister from the clutches of the petitioners. He on instructions from SI Som Nath states that the petitioners have taken away minor children along with them. Whereas the counsel for the petitioners state that there is no such allegation in the FIR but both the children are residing with the petitioners for the last two years. The present complaint has been lodged by Sarvory against her-in-laws family.

Adjourned to 03.11.2020.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioners submits that pursuant to the order dated 20.08.2020 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from S.I. Som Nath, submits that the petitioners have joined the investigation and are not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 20.08.2020 granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

03.11.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No