

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

CRM-M- 31272-2020 (O&M)

Date of Decision: 11.12.2020

Paramjit Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Narender Pal Bhardwaj, Advocate
for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 read with 438 Cr.P.C., for grant of anticipatory bail/blanket bail to the petitioners in the complaint cases i.e. complaint dated 02.03.2020 submitted to SSP Moga, District Moga and complaint submitted to DSP Dharamkot, District Moga pending inquiries/investigation at Police Station Dharamkot, District Moga, Punjab.

Learned counsel for the petitioners would contend that the genesis of the dispute between the parties has arisen out of a matrimonial discord between Pritpal Singh and Gagandeep Kaur Turna. In fact the marriage between daughter of the complainant namely Gagandeep Kaur Turna and Pritpal Singh son of petitioners No. 1 and 2 was solemnized on

04.02.2017. However, as the marriage ran through a rough way, a divorce petition was filed before the Federal Circuit Court, Australia, in which proceedings, divorce has already been granted, however, a complaint has been filed by the mother of said Gagandeep Kaur Turna in India.

The instant petition has been filed by the petitioners seeking protection of their apprehended arrest on the basis of the complaint filed. Vide order dated 04.11.2020, a Co-ordinate Bench of this Court directed the petitioners No. 1 and 3 to join the investigation as out of four petitioners, two petitioners namely Balvir Singh-petitioner No. 2 and Jarnail Singh-Petitioner No. 4 had already joined the proceedings and got their statements recorded but the statement of the remaining petitioners and the complainant could not be recorded.

Learned counsel for the petitioners would contend that the remaining petitioners too went to join the investigation, however, they were not joined by the police.

Per contra, learned counsel for the respondent-State on instructions from SI Jagdeep Singh would contend that though two of the petitioners have already joined the investigation yet the instant petition filed for grant of blanket bail to the petitioners is not maintainable as has been held by the Apex Court in judgment rendered in ***Sushila Aggarwal and others vs. State (NCT of Delhi) and another in SLP (Criminal) Nos. 7281-7282/2017.***

I have heard learned counsel for the parties. In view of the fact that no useful purpose would be served by sending the petitioners behind the bars, as no recoveries are to be made, the petition is disposed of with a

direction to the remaining petitioners to join the investigation and appear before the Investigating Officer on 23.12.2020 in terms of order passed on 04.11.2020. In the event of arrest, the petitioners are ordered to be released on bail to the satisfaction of the Arresting Officer. However, the petitioners shall continue to 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.

However, while disposing of the instant petition, it is made clear that in case the respondent-State is contemplating registration of any FIR on the basis of the complaints that have been received by them and intends to arrest the petitioners, it will do so after issuance of necessary advance notice of 07 days to the petitioners as envisaged under Section 41-A, Cr. P. C.

The respondent-State is also directed to consider the representation, if any, filed by the petitioners as well.

(JAISHREE THAKUR)
JUDGE

11.12.2020
seema

Whether speaking/reasoned
Whether reportable

Yes
Yes/No