

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM No. M-41844 of 2021
Date of Decision : 06.12.2021

Kulwinder Kaur and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Tushar Wadhwa, Advocate for
Mr. Maninder Singh Saini, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 0224 dated 01.10.2020 registered under Sections 406, 420 & 120-B of the IPC at Police Station Kartarpur, Jalandhar Rural.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 06.10.2021. Order dated 06.10.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.0224 dated 01.10.2020 registered under Sections 406, 420 & 120-B of the IPC at Police Station Kartarpur, Jalandhar Rural.

Learned counsel for the petitioners argues that the entire amount allegedly paid by the complainant to the petitioners, has already been returned, which is clear from the written compromises, which have been appended with the present petition as Annexures P/7 and P/8. Learned counsel for the

petitioners further argues that the only part which remains to be executed, as per the compromise is that the statement of the daughter of the petitioner, who is residing in Canada is yet to be recorded by initiating proceedings for mutual divorce but due to the pandemic of Covid-19, the daughter of the petitioners is unable to come to India and the police is harassing the petitioners keeping in view the FIR in question. Learned counsel for the petitioners submits that the petitioners are ready to join and cooperate in the investigation and, therefore, they be granted the benefit of anticipatory bail.

Notice of motion for 06.12.2021.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes that as per his instructions, the money has already been returned to the complainant and the only part to be executed as per the compromise is of initiating proceedings for mutual divorce between the daughter of the petitioner and the son of the complainant.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioners have already returned the amount in question and there is already a compromise between the parties, the purpose of investigation will be achieved in case, the petitioners are directed to join and cooperate in investigation.

The petitioners are directed to join the investigation forthwith.

In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following

conditions:-

- (i) *That they shall make themselves available for interrogation by the police officer as and when required.*
- (ii) *That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.*
- (iii) *That they shall not leave India without prior permission of the Court.*
- (iv) *That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”*

Learned State counsel on instructions from SI Kulbir Singh states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation of the petitioners is required at this stage.

In view of the above, the order dated 06.10.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 06, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No