

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

201

CRM-M-44444-2020

Date of decision: 08.03.2021

Raushan Lal and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Arshdeep Singh Sra, Advocate
for the petitioners.

Mr. Ajay Pal Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of anticipatory bail in case FIR No.225 dated 19.11.2020 registered under Sections 354 and 323 read with Section 34 of the Indian Penal Code, 1860 in Police Station Nathana, District Bathinda.

While issuing notice of motion on 01.01.2021, this Court had granted interim anticipatory bail to the petitioners with direction to join the investigation and the said order reads as under:-

"Counsel for the petitioners, inter alia, contends that the petitioners are the in-laws of the complainant-Chetna who, as per the FIR itself, was having dispute with the family on account of the bad habits of her husband. She and the son of the petitioners had also started living separately by raising a common wall and the petitioners had also disowned the couple on 05.03.2020 (Annexure P-3). Thus, the allegations are stated to be only on account of the strained relationship. It is further submitted that custodial interrogation would not be required in such cases.

Notice of motion for 08.03.2021.

Mr.Thind accepts notice on behalf of the State.

In the meantime, petitioners shall join investigation and in the event of arrest of the petitioners, they shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioners shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C."

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioners and learned State Counsel and have gone through the record.

Learned Counsel for the petitioners has, while reiterating submissions made earlier, submitted that in compliance with order dated 01.01.2021, the petitioners have joined the investigation and they may be granted anticipatory bail as their custodial interrogation is not required in the case.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioners do not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Surjit Singh, acknowledged that in compliance with order dated 01.01.2021 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioners, the fact that custodial interrogation of the petitioners is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the

prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 01.01.2021 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

08.03.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No