

CRM-M-43518-2020

Date of decision: 11.02.2022

MUKHTIAR SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Maninder Sekhon, Advocate
for the complainant.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory
bail to the petitioners in case FIR No. 09 dated 28.10.2020, registered under
Sections 498-A/406 IPC, 1860, at Police Station NRI, Bathinda.

On 23.12.2020, the following order was passed:-

*“Learned counsel for the petitioners prays for
grant of anticipatory bail to the petitioners, who
are the parents-in-law of the complainant, while
contending that as per the police record, the
marriage performed was simple in nature and that
both the complainant and her husband i.e. son of
the petitioners herein are residing in Canada
where an altercation took place between the
couple, which resulted in filing of the present FIR.
It is further contended that the petitioners are
ready to settle the matter and hand over whatever
dowry articles are in their possession while
praying that the matter be referred for mediation.
It is submitted that since the complainant is
residing in Canada, she has issued power of
attorney in the name of her father.*

On oral request of the counsel for the petitioners, the father of the complainant namely Gurmeet Singh is ordered to be impleaded as respondent No. 2 in the petition.

Notice of motion for 17.05.2021 to the State as well as to the newly impleaded respondent No. 2, father of the complainant.

Registry is directed to do the needful.

Ms. Bhawna Gupta, DAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent-State and seeks time to file reply.

In the meanwhile, the petitioners are directed to join the investigation within a period of one week and on doing so, the petitioners be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners contends that in pursuance of the interim directions issued by this Court, the petitioners have joined the investigation and furthermore, the matter has been amicably settled between the parties.

On instructions from ASI Harjinder Singh, learned State counsel has not assailed the aforesaid factual aspects and further states that the petitioners have joined the investigation and their custodial interrogation is not required.

In the instant case, the petitioners are the father-in-law and mother-in-law of the complainant, they have joined the investigation in pursuance of the interim directions issued by this Court, the custodial interrogation of the petitioners are not required and furthermore, the matrimonial dispute is stated to have been amicably settled. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners.

In view of the aforesaid submissions, the order dated 23.12.2020,

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.

The petition stands disposed of.

11.02.2022
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(VIVEK PURI)
JUDGE

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