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

CRM-M-48843-2022

Date of decision : 21.11.2022

Gurjant Singh @ Janta and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Premjit Singh Hundal, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. P.B.S. Goraya, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.74 dated 02.08.2022 registered under Sections 452, 323, 506, 148, 149 of the Indian Penal Code, 1860 (Section 306 of IPC has been added later on) at Police Station Khalra, District Tarn Taran, Punjab.

On 27.10.2022, this Court had passed the following order:-

“Learned counsel for the petitioners inter alia contends that the petitioners are cousins of Pawandeep Kaur, who is the daughter-in-law of the deceased. It is further submitted that marriage of said Pawandeep Kaur was performed with Mandeep Singh on 01.01.2018 and the complainant party used to maltreat the said Pawandeep

Kaur for want of dowry and for the said purpose, Pawandeep Kaur had submitted a complaint to the Women Cell, Tarn Taran against her mother-in-law namely, Jasbir Kaur and others. It is contended that on 02.08.2022, three calls were received by petitioner No.2-Jagdish Singh (cousin of Pawandeep Kaur) from the deceased Gurcharan Singh (father-in-law of Pawandeep Kaur) at 07:52 AM, 07:53 AM and 07:55 AM and ultimately, when Jagdish Singh (petitioner No.2) spoke to said Gurcharan Singh (deceased), then the said Jagdish Singh was informed that intervention of father of Pawandeep Kaur was required on account of the dispute between Pawandeep Kaur and family members of the complainant inasmuch as Pawandeep Kaur had refused to prepare food for them. It is further contended that the fact that complainant party had called the father of Pawandeep Kaur to their house has not been mentioned in the FIR and that even the CCTV footage would show that no person was carrying an iron rod and the said allegations have been falsely made in the FIR. It is argued that the allegations, as have been levelled in the FIR, would not constitute offence under Section 306 of IPC more so, against the petitioners. Reliance has been placed upon the judgments passed by the Hon'ble Supreme Court in Kishori Lal Versus State of M.P. in SLP No.1115 of 1999, S.S. Cheena Vs. Vijay Kumar Mahajan, reported as (2010) 12 SCC 190, M. Arjunan Vs. State of Madras (represented by its Inspector of Police), report in ABC (Acquittal and Bail Cases) 2019(1) Supreme Court and in Ude Singh and Ors. Vs. State of Haryana reported as 2019(5) RCR (Criminal) 971, in support of his arguments. It is further argued that father of Pawandeep Kaur and co-accused of the petitioners, namely, Gurmej Singh and Nacchatar Singh had filed a CRM-M-47787- 2022 for the grant of anticipatory

bail, in which, notice of motion has been issued for 21.11.2022 and the interim protection was granted to the petitioners therein.

Notice of motion for 21.11.2022.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. PBS Goraya, Advocate, appears on behalf of the complainant and seek time to address arguments.

To be heard along with CRM-M-47787-2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall 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.

Learned counsel for the State and complainant would be at liberty to produce on record all the relevant documents on the next date of hearing in order to show that the petitioners are not entitled for grant of anticipatory bail.”

Learned counsel for the petitioners has submitted that in pursuance of the abovesaid order dated 27.10.2022, the petitioners have joined the investigation.

Learned counsel for the State, on instructions from ASI Jasbir Singh, has submitted that the petitioners have joined the investigation and are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 27.10.2022 and

also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 27.10.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

21.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No