

208 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-1035-2023
Date of Decision: 28.02.2023

Kirandeep Kaur and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Satbir Singh Gill, Advocate
for the petitioners.

Mr. Subhash Godara, Additional A.G., Punjab.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioners in case FIR No.135 dated 08.11.2022, under Sections 380 and 420-B of the Indian Penal Code (whereas, perusal of FIR depicts that it has been lodged under Sections 380 and 120-B of the Indian Penal Code only), registered at Police Station Meharban, District Ludhiana.

On 10.01.2023, the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioners, in case FIR No.135 dated 08.11.2022, registered under Sections 380 and 420-B of the Indian Penal Code, 1860 (whereas, perusal of FIR depicts that the FIR has been lodged under Sections 380 and 120-B IPC only) at Police Station Meharban, District Ludhiana.

Learned counsel for the petitioners, inter alia, contends that the petitioners are innocent and have falsely been

*implicated in the present case at the behest of brother of petitioner No.1 just to harass them as they had solemnized marriage on 27.10.2022 against the wishes of parents/brother of petitioner No.1. It is submitted the petitioners had earlier filed **CRWP-20357-2022** before this Court seeking protection of their lives and liberty, which was disposed vide order dated 11.11.2022 with an observation that in eventuality of petitioners approaching the police authorities, the needful in accordance with law would be done expeditiously. Learned counsel further submits that on account of fact that petitioner No.1 married as per her choice, hence the complainant (brother of petitioner No.1) and parents of petitioner No.1 nurture a grudge against the petitioners and the instant FIR has been got lodged only to take revenge from the petitioners. It is submitted that the allegations of theft of Rs.5.5 lakh and 2 tolas gold levelled against them are totally false and nothing is to be recovered from them. It is submitted that the petitioners had applied for anticipatory bail before the learned Additional Sessions Judge, Ludhiana, which was wrongly dismissed vide order dated 21.12.2022. Learned counsel further submits that the petitioners are not involved in any other case except the present one i.e. FIR No.135 dated 08.11.2022 and the petitioners are ready and willing to join investigation as and when required by the Investigating Agency.*

Notice of motion.

On the asking of the Court, Mr. Vinay Kumar Gupta, Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioners' prayer for interim anticipatory bail on the ground of seriousness of offence.

List on 28.02.2023.

In the meanwhile, in the event of arrest of the petitioners, they shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However,

they shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.”

Learned counsel for the petitioners submits that pursuant to the aforesaid order, petitioners have joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Vijay Kumar, has not disputed the aforesaid fact of joining the investigation by petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their custodial interrogation is not required at this stage, order dated 10.01.2023, passed by this Court, is made absolute.

However, the petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioners fail to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioners.

Present petition is accordingly disposed of.

28.02.2023

Apurva

(HARSH BUNGER)
JUDGE