

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

211-II

Criminal Misc. No. M-3994-2023

Date of decision :-10.08.2023

Rajinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. L.S. Sidhu, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. J.K. Singla, Advocate
For the complainant.

NIDHI GUPTA J. (Oral)

The petitioners are seeking anticipatory bail in FIR No.284 dated 27.12.2022, under Sections 498-A and 406 IPC, registered at Police Station City-2, Mansa, District Mansa.

Learned counsel for the petitioners submits that the petitioners are parents-in-law of respondent No.2/complainant.

Learned counsel for the parties are *ad idem* that the matter stands settled between the parties.

On 25.1.2023, this Court had passed the following order

:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioners are seeking anticipatory bail in FIR No. 284 dated 27.12.2022, under Sections 498-A and 406 of IPC,

registered at Police Station City 2 Mansa, District Mansa.

Learned counsel for the petitioners inter alia contends that marriage between complainant and son of the petitioners was solemnized on 21.2.2018. The complainant filed complaint with police authorities in 2019 and a compromise was arrived at between the parties on 10.8.2019 wherein it was decided that complainant and her husband would part with and complainant shall be entitled to alimony of Rs. 10 lakh, however, complainant and her husband re-united and started living together in a rented accommodation. There was interference on the part of parents of complainant in the family affairs and they assured that they would not interfere. The husband of the complainant due to behaviour of the complainant filed divorce petition on 4.7.2022 and complainant had filed FIR as a counter blast to divorce petition. The petitioners were working with Punjab Police, however, they have sought premature retirement on account of problems created by complainant. The petitioners are ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, accepts notice on behalf of State-respondent.

*Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in **Thana Singh v.***

Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273, at the first instance, the petitioners are directed to appear before investigation officer on 1.2.2023 and thereafter as directed by 10. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioners shall co-operate the investigating officer.

If the arresting officer does not permit the petitioners to join the investigation, the petitioners would appear before the learned Illaga Magistrate who would then summon the arresting officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 24.2.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.”

Learned State counsel, on instructions from ASI Amrik Singh states that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 25.1.2023 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 the investigation and cooperate with the investigating agency in case they are required for the same in future 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 the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 10, 2023

Vijay Asija

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No