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

**CRM-M-9605-2023 (O&M)
Date of decision : 11.07.2023**

Balbir Singh and others

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioners.

ASI Sarabjeet Singh for the respondent.

MAHABIR SINGH SINDHU, J.

CM-27240-2023

Application for placing on record some documents as Annexures R-1 to R-6 with further prayer seeking exemption from filing certified/true typed copies thereof.

Allowed as prayed for subject to all just exceptions.

Registry will do the needful.

MAIN CASE

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioners in FIR

No.07 dated 18.01.2023, under Sections 341, 424, 427, 448, 451, 453, 34 of the Indian Penal Code, 1860 (*for short 'the IPC'*), registered at Police Station Division No.7, District Jalandhar.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Parwinder Kaur to the effect that on 28.11.2022, her brother-in-law Balbir Singh, his son-Gurjot Singh and wife of Gurjot Singh, namely, Manny slapped the son of complainant from playing outside in order to oust her from the house, where they are residing jointly. When complainant lodged the complaint, then the aforesaid persons, on 29.11.2022, entered into the portion of the said house, where complainant is residing, and gave beatings to her. She again approached the police; but no action was taken. On 05.12.2022, when complainant came to her house after getting discharged from the hospital, she found that all the gates of portion of her house were locked. The accused had stolen the articles from complainant's house after breaking locks; also found that her son has not gone to School for the last 10 days and now both are living outside the house.

(3) The Coordinate Bench, vide order dated 17.04.2023, granted interim bail to petitioner(s) and the same reads as under:-

"Vide order dated 23.02.2023, the parties were directed to appear before the Mediation and Conciliation Centre of this Court on 03.03.2023, somehow, the parties could not arrive at mutual settlement and mediation could not succeed. The said fact has not been disputed by the learned counsel for the complainant.

Adjourned to 08.05.2023.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of

Arresting/Investigating Officer. However, the petitioner shall continue to 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.

(4) ASI Sarabjeet Singh, present in the Court, submits that in pursuance of the aforesaid order, petitioners have already joined the investigation and their custodial interrogation is not required.

(5) In view of above, interim order dated 17.04.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(6) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(7) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(8) Disposed off accordingly.

July 11th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>