

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

203

CRM-M-17124-2023

Date of Decision: 12.05.2023

Karnail Kaur And Another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Saurabh Arora, Advocate with
Mr. Pawan Kumar, Advocate for the petitioners

Mr. Shiva Khurmi, AAG, Punjab
(assisted by ASI Daljit Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. On 12.04.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners are seeking anticipatory bail in FIR No. 27 dated 27.3.2023, under Sections 498-A and 323 of IPC, registered at Police Station, Khamano, District Fatehgarh Sahib.

Learned counsel for the petitioners inter alia contends that complainant lodged complaint against her husband on 14.3.2023 and with the intervention of police officials, the matter was compromised on 16.3.2023. In the said complaint there was no allegations against the petitioners who are parents-in-law of the complainant. The complainant left her matrimonial home on 25.3.2023 which is evident from CCTV footage. She did not come back on 26.3.2023,

thus, there is no question of beating on the part of petitioners on 26.3.2023. The son of the petitioners made call to police on 25.3.2023 as well as 26.3.2023 apprising that complainant has left her matrimonial home without informing family members. 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 petitioners 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.

Having considered contents of the FIR, role attributed to the petitioners, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioners and 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, this Court is of the prima facie opinion that petitioners deserve protection from arrest. Accordingly, at the first instance, the petitioners are directed to appear before investigating officer on 17.4.2023 and thereafter as directed by IO.

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 Illaqa 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 12.05.2023.

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.”

2. Learned State counsel, on instructions from ASI Daljit Singh, submits that petitioners have joined investigation and no custodial interrogation is required.

3. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioners vide order dated 12.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioner or their family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

5. 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.

(JAGMOHAN BANSAL)
JUDGE

12.05.2023
Mohit Kumar

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