

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

210

CRM-M-20503-2023

Date of Decision: 26.05.2023

Pritpal Singh And Others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Manish Kumar Singla, Advocate for the petitioners

Ms. Guramrit Kaur, DAG, Punjab

Mr. Ashish Soi, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. On 28.04.2023, 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. 31 dated 1.4.2023, under Sections 498-A, 323, 34 and 427 IPC, registered at Police Station, Dirba, District Sangrur.

Mr. Harnoor Singh Sidhu, Advocate, filed Vakalatnama on behalf of the complainant. The same is taken on record. Registry is directed to tag the same at an appropriate place.

Learned counsel for the petitioners inter alia contends that marriage of petitioner No. 2 was solemnized with complainant on 07.12.2019. The complainant on 29.06.2020 submitted an application to SSP, Mansa, alleging that for last four months, she is residing at her parental home. She prayed to take appropriate action against her inlaws. The

complainant and petitioners appeared before In-charge Women Help Centre, Mansa and tendered their statements. On the basis of statements of both sides, vide report dated 08.01.2021, the application of the complainant was consigned to office. The complainant preferred petition under Section 10 of Hindu Marriage Act, 1955 on 04.01.2021 and present FIR came to be registered on 01.04.2023. The complainant for last three years was residing with her parents and multiple cases are pending between the parties, thus, there was no question on the part of complainant to come to residence of the petitioners and causing injuries on the part of petitioners to complainant.

Notice of motion, returnable for 26.05.2023.

Mr. Shiva Khurmi, AAG, Punjab, who on advance notice is present in Court accepts notice on behalf of respondent-State.

Mr. Harnoor Singh Sidhu, Advocate, filed Vakalatnama on behalf of the complainant. The same is taken on record. Registry is directed to tag the same at an appropriate place.

Learned counsel for the complainant submits that there is CCTV camera at the residence of the petitioners and perusal of CCTV footage would reveal the actual picture. He further submits that complainant for last one year was residing with her in-laws so there was no question that on the date of incident she came to residence of the petitioners. Learned State counsel submits that during the course of investigation, the

investigating officer would look into the CCTV footage and thereafter apprise the court.

In view of the above, 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 06.05.2023 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.

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. Status report by way of affidavit dated 26.05.2023 of Prithvi Singh Chahal, P.P.S., Deputy Superintendent of Police, Sub-Division, Dirba, Sangrur filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

3. Learned State counsel submits that petitioner has joined investigation and no custodial interrogation is required.

4. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioners vide order dated 28.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

5. 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.

6. 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

26.05.2023
Mohit Kumar

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