

2023:PHHC:119731

**204/2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-21157-2023

Date of Decision: 12.09.2023

PIARO DEVI AND OTHERS

... PETITIONERS

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Harshit Jain, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. On 27.04.2023, the following order was passed by the
Coordinate Bench of this Court:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners are seeking anticipatory bail in FIR No. 0033 dated 11.3.2023, under Sections 354, 323, 506, 147 and 149 IPC, registered at Police Station, Amargarh, District Malerkotla .

Learned counsel for the petitioners inter alia contends that marriage of the complainant with petitioner No. 2 was solemnized 13 years back and two children were born from this wedlock. The husband of the complainant had doubt about the character of the complainant, thus, he filed a divorce petition against the complainant. The complainant filed a petition seeking maintenance against her husband. This Court vide order dated 18.4.2023 passed in CRM-M- 18778 of 2023 has granted concession of interim anticipatory bail to a co-accused. 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, returnable for 29.5.2023.

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

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioners, 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 and on the ground of parity, 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 04.05.2023 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 petitioner 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. In the connected matter i.e. CRM-M-18778-2023, the report has been received. The matter could not be amicably settled in the mediation proceedings.

3. Learned counsel for the petitioners contend that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation.

4. Learned State counsel, on instructions from ASI Janpal Singh, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioners is not required.

5. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 27.04.2023, vide which the petitioners have been granted interim bail, is made absolute. This order is subject to the condition that the petitioner complies with the conditions as specified under Section 438 (2) Cr.P.C.

6. Petition is allowed.

12.09.2023

smriti

Whether speaking/reasoned: Yes/No

(VIVEK PURI)

JUDGE

Whether Reportable: Yes/No