

215/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30091-2023
Date of Decision: 18.08.2023

DIWAN SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anuj Dewan, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * * *

VIVEK PURI, J. (ORAL)

1. On 09.06.2023, following order was passed by the Co-ordinate

Bench:

“The petitioner has approached this Court for grant of anticipatory bail in case FIR No. 60 dated 29.4.2023 under Sections 498A, 406, 308, 328 and 120B IPC, registered at Police Station Division No.2, District Pathankot.

Complainant Preet Kaur has lodged the above FIR with the allegations that she got married to Kharak Singh few years back and they have been blessed with a girl child who is now 2 years old. She further alleged that her husband is a drug addict and used to beat her without any reasons. She also alleged that her in-laws' family i.e. husband Kharak Singh, mother-in-law Rattan Kaur, father-in-law Krishan Singh, Grandfather-in-law Diwan Singh, sister-in-law Sukhwinder Kaur and brother-in-law Tajinder Pal Singh used to harass her on account of bringing less dowry and they also used to beat her. She further alleged that her sister-in-law even try to burn her but some how she managed to save herself and it was also alleged that they also tried to kill her daughter by giving her mosquito repellent liquid.

Learned counsel for the petitioner has submitted that the petitioner is a grandfather-in-law of the complainant and has no role to play in the matrimonial life of the complainant. There is no evidence on record to substantiate the allegations of administering the mosquito repellent liquor to the girl child. In the absence of such an evidence on record, the provisions of Sections 328 and 308 IPC are not made out and infact there is a dispute between the husband and the wife as the complainant wants that her husband should settle with her in a separate

accommodation. The allegations in the FIR are all vague. He further submitted that the petitioner is ready to join and cooperate with the investigation as nothing is to be recovered from him. Above all, this Court in CRM-M-26739-2023 granted the benefit of regular bail to Rattan Kaur(mother-in-law) of the complainant.

Notice of motion for 13.7.2023.

Mr. Maninder Singh, DAG, Punjab accepts notice on behalf of the respondent-State.

In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

The learned State counsel is directed to file a reply, detailing therein the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing. ”

2. Short reply by way of affidavit of Lakhwinder Singh, Deputy Superintendent of Police, City, District Pathankot, on behalf of the State has been taken on record.
3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.
4. Learned State counsel, on instructions from ASI Narinder Kumar, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.
5. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 09.06.2023 is made absolute.

18.08.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No