

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

CRM-M-39095-2023 (O&M)

Date of Decision: 30.10.2023

MUJIBUR RAHMAN & ANR.

.... Petitioners

VERSUS

STATE OF PUNJAB & ANR.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naveen Batra, Advocate for the petitioners.
Mr. M.S. Tiwana, AAG Punjab-respondent No.1.

Ms. Poorvi Sabharwal, Advocate for

Mr. A.S. Tagra, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.114 dated 08.04.2023 under Sections 323, 498-A, 406, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Kharar, District SAS Nagar (Mohali).

2. On 10.08.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.114 dated 08.04.2023 under Sections 323, 498-A, 406, 506, 148, 149 of the Indian Penal Code, 1860 registered at Police Station City

Kharar, District SAS Nagar.

Learned counsel for the petitioners would contend that the dispute is between husband and wife due to the interference of the mother of the complainant. It is further the contention that both the petitioners herein are brothers-in-law, one being Jeth and the other Devar, who are residing in Sector 56, Chandigarh whereas the couple is residing in Kharar. It is further contended that the only allegation against the petitioners is that they had taken the complainant forcibly in the car to an undisclosed location and dropped her there. The further allegation is that she has been threatened by both the petitioners.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent No.1-State of Punjab and Mr. Gurbir Singh Sidhu, Advocate puts in appearance on behalf of respondent No.2 and has accepted notice on her behalf.

Learned State counsel to get the CCTV footage as referred to by the petitioners in the petition verified.

List on 30.10.2023.

Meanwhile, the petitioners are directed to join investigation as and when called for. In the event of

arrest, the petitioners shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioners shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioners would contend that pursuant to the said order, the petitioners have joined investigation and have fully cooperated.

4. Learned counsel for the State, on instructions from ASI Bhupinder Singh, has stated that the petitioners have since joined investigation and has fully cooperated and that they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 10.08.2023 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

30.10.2023
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO