

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

CRM-M-48795-2022

Date of Decision: 28.08.2023

Buta Singh and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ritesh Pandey, Advocate
for petitioner No. 2-Sukhwinder Kaur.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Anupinder Brar, Advocate for
Mr. M.S. Basra, Advocate
for respondent No. 2-complainant.

NIDHI GUPTA, J. (ORAL)

Petitioner No. 2, who is mother-in-law of respondent No. 2-complainant, is seeking anticipatory bail in case FIR No. 155 dated 06.10.2022 registered under Sections 498-A, 323 and 326 read with Section 34 IPC (Section 406 IPC was added later on) at Police Station Shri Hargobindpur, District Batala.

On 27.07.2023, this Court had passed the following order :-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No. 155 dated 06.10.2022, under Sections 498-A, 323, 326, 34 IPC, (offence under Section 406 IPC added later on), registered at Police Station Shri Hargobindpur, District Batala.

Learned counsel for respondent No.2/complainant submits that he has no objection if the petitioner No.2 (in

CRM-M-48795-2022) who is mother-in-law of the complainant, is granted bail.

It is inter alia submitted by learned counsel for the petitioner No.1-husband (in CRM-M-56803-2022) that FIR has been registered on 06.10.2022 i.e. fifteen days after the alleged incident. Learned counsel for the petitioner-husband submits that he is ready to settle the matter but the demands of respondent No.2/complainant are unacceptable as she is demanding one killa of land, which the petitioner is not unable to provide.

Per contra learned counsel for the respondent No.2/complainant-wife submits that the petitioner was armed with gandasi and caused severe injuries to her despite that she is ready to go with the petitioner if peaceful environment is provided.

Learned State counsel is directed to file detailed status report in the matters.

In the meantime, the petitioner No.2 (in CRM-M-48795-2022) mother-in-law of the complainant is directed to appear before the SHO/Investigating Officer to join investigation and in the event of her arrest, she shall be released on bail on her furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- iv) that the petitioner shall make herself available for interrogation before the Investigating Officer as and when required ;*
- v) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer ;*
- vi) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender her passport, if any.*

Adjourned to 28.8.2023.

Photocopy of this order be placed on the file(s) of connected matter(s).”

Learned counsel for petitioner No. 2 submits that in compliance of the order dated 27.07.2023 passed by this Court, she has joined the investigation.

Learned State counsel, on instructions states that in terms of the order passed by this Court, reproduced above, petitioner No. 2 has joined the investigation, and is co-operating with the investigating

agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 27.07.2023 granting interim bail to the petitioner No. 2 is made absolute.

However, the petitioner No. 2 shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join the investigation and cooperate with the investigating agency in case she is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner No. 2 is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

28.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No