

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

CRM-M-51997-2022

Date of Decision: 28.08.2023

MAKHAN SINGH AND ANOTHER

...Petitioners

Versus**STATE OF PUNJAB**

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Ms. K.S. Brar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

VIVEK PURI J.

1. The petitioners are seeking anticipatory bail in the case/FIR No. 98 dated 16.10.2022 under Sections 498-A and 406 of Indian Penal Code registered at Police Station Jhunir, District Mansa.
2. On 11.11.2022, following order was passed by the Co-ordinate Bench of this Court:

"Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No.98, dated 16.10.2022, under Sections 498-A and 406 IPC, registered at Police Station Jhunir, District Mansa.

It has been contended that son of the petitioners performed the marriage with the complainant on 12.12.2018 and thereafter they were blessed with a daughter. He has submitted that on account of some temperamental differences, there was some petty matrimonial discord between son of the petitioners and the complainant, however, complainant left the matrimonial home without any rhyme and reason about two years back and the grand daughter is with the father. He has submitted that with the intervention of respectables, the

matter was resolved amicably, however, subsequently, the complainant backed out of the compromise arrived at and thus, lodged the present FIR on the basis of false and frivolous allegations. He has submitted that the allegations pertaining to demand of dowry are without any basis and the petitioners have been implicated only in order to harass and humiliate their family. He relies upon Arnesh Kumar vs State of Bihar and another, 2014(3) SCC (Crl.) 449 and submits that in view of the aforementioned facts, no case for custodial interrogation is made out however, petitioners are ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers their request for granting the same.

Issue notice of motion for 27.02.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

In the meanwhile, in the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

"(i) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so;

(ii) That the petitioners 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 from disclosing such facts to the Court or to any police officer;

(iii) That the petitioners shall not leave India without prior permission of the Court."

State is directed to file status report on or before the next date of hearing."

- 3. Learned State counsel has submitted status report by way of affidavit of Gobiner Singh, PPS, Deputy Superintendent of Police, Sub Division Sardulgarh, District Mansa, which is taken on record.
- 4. Learned counsel for the petitioners contend that in pursuance of the interim directions dated 11.11.2022, the petitioners have joined the investigation.
- 5. Learned State counsel on instructions from ASI Amrik Singh submits that custodial interrogation of the petitioners is not required.
- 6. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners.
- 7. Accordingly, order dated 11.11.2022, vide which the petitioners have been granted interim bail, is made absolute.
- 8. Petition is allowed.

28.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

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