

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

CRM-M-54745-2022

Date of Decision: 25.08.2023

Inderpreet Kaur and another

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.S. Behl, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Vijay Sharma, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No. 248 dated 26.10.2022 (Annexure P-1) registered under Sections 406, 420 and 498-A IPC at Police Station Division No. 8, Police Commissionerate Ludhiana, District Ludhiana.

On 24.11.2022, this Court had passed the following order :-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No.248, dated 26.10.2022, under Sections 406, 420 and 498-A IPC, registered at Police Station Division No.8, Police Commissionerate Ludhiana, District Ludhiana.

It has been contended by counsel for the petitioners that petitioners before this Court are parents-in-law of the complainant. He submits that during Covid-19, petitioners lost their son. He submits that after the death of their son, there arose a matrimonial dispute and on account of the same, the complainant left the matrimonial home. He has submitted that the petitioners, who are parents-in-law, have been falsely implicated in this case. He submits that there is no truth in the allegations pertaining to harassment of the complainant. At the outset, counsel submits that de hors the

*allegations made in the FIR by the complainant, the petitioners are ready to settle the dispute even now if the matter is referred to Mediation Centre. 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.*

Counsel for the petitioners undertakes to implead the complainant as party respondent No.2 in the petition and file amended memo of parties within a week from today.

Issue notice of motion for 16.03.2023.

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

Mr.Vijay Sharma, Advocate, who is present in Court, puts in appearance on behalf of the complainant. He has objected that the complete copy of FIR has not been appended by the petitioner. Though he opposes the submissions made by counsel for the petitioners, however, he is also of the opinion that parties be given one opportunity to explore the possibility of amicable settlement of their dispute by referring them to the Mediation Centre.

Counsel for the petitioner has submitted that he will place on record a complete translated copy of the FIR before the next date of hearing.

As both the parties are ad idem, they are directed to appear before the Mediation and Conciliation Centre of this Court on 14.12.2022 at 10.00 a.m. for making an effort to amicably settle their dispute.

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.”

Learned counsel for the petitioners submits that in compliance of the order dated 24.11.2022 passed by this Court, the petitioners who are mother-in-law and father-in-law of the complainant have joined the investigation. He further submits that now, the matter has been compromised between the parties.

Learned State counsel, on instructions from ASI Harjit Singh states that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation; and are co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 24.11.2022 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and cooperate with the investigating agency in case they are 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 petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

25.08.2023*rishu***(NIDHI GUPTA)
JUDGE****Whether speaking/reasoned****Yes/No****Whether Reportable****Yes/No**