

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

210

CRM-M-55761-2022

Date of decision: 31.08.2023

Bimla and others

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Bhriugu Dutt Sharma, Advocate, for the complainant.

AMAN CHAUDHARY, J.

1. On 13.07.2023, this Court had passed the following order:-

“Learned counsel for the petitioner submits that the insult does not fall within the ambit of instigation as required to attract the offence punishable under Section 107/306 IPC. There was a matrimonial discord between the deceased and daughter of petitioner No.1, who has recently delivered a child. There is a gap of 3 days between the alleged insult and the occurrence, thus no proximity. Petitioner Nos.3 and 4 are brother-in-law and sister-in-law, who have been living separately in District Moga for the last 5 years while the deceased resided in Jalandhar. Petitioner No.2 is a 20 years old younger sister of the wife of the deceased (daughter of petitioner No.1, who is 67 years of age) who has also been roped in the case so as to implicate the whole family. Petitioners are not involved in any other case. He places reliance on the judgments passed by Hon’ble The Supreme Court in M. Arjunan vs. State Rep. By its Inspector of Police, 2019 (5) RCR (Criminal) 269; Rajesh vs. State of Haryana 2019 (1) RCR (Criminal) 847; Gurcharan Singh vs. State of Punjab (2021) 1 SCC (Cri) 417; Madan Mohan Singh vs. State of Gujarat, (2010) 8 SCC 628.

The petitioners are directed to join the investigation on or before 20.07.2023. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of the conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioners do not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 31.08.2023. ”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from ASI Dwarka Dass affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioners is allowed and the order dated 13.07.2023 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioners fail to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

(AMAN CHAUDHARY)
JUDGE

31.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No