

Sr.No.206

2023:PHHC:160129

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

CRM-M-56754-2023(O&M)

Date of decision:13.12.2023

Mamtesh Kumar and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. S.S.Sidhu, Advocate
for the petitioners.

Mr. Harpreet Singh, DAG, Punjab.

Mr. G.S.Randhawa, Advocate
For Mr. Paras Jagga, Advocate
For the complainant.

Harpreet Kaur Jeewan, J.(Oral)

1. Petition under Section 438 Cr.P.C has been filed on behalf of the husband and mother-in-law of respondent No.2, against whom FIR No.59 dated 19.09.2023 has been registered at Police Station PS Women District Bathinda under Sections 498A, 406 IPC, with the allegations of demanding dowry and inflicting beatings to the respondent No.2.

Petitioners were granted interim protection subject to the following conditions laid down in the Order dated 09.11.2023:-

“In the meantime, in the event of arrest of the petitioners, they shall be released on ad interim bail subject to the following conditions:-

- 1) That petitioner No.1 would deposit a sum of Rs.5 lakh each in the shape of FDRs in the name of his minor children each.
- 2) Petitioner would submit an undertaking before the concerned CJM/Area Magistrate to deposit a sum

- 3) of Rs.15,000/- per month in the bank account of Chandni Singla-respondent No.2 to meet with day to day expenditure of his children as interim maintenance till final disposal of their matrimonial dispute.
- 4) The FDRs in the name of the children will be handed over to Chandni Singla-respondent No.2 within a period of 10 days through CJM/Area Magistrate, Bathinda.

This interim arrangement regarding monthly payment of maintenance by petitioner No.1 would continue till conclusion of the family dispute between the petitioner No.1 and respondent No.2 and would be subject to the outcome of litigation between the parties, if any filed regarding grant of maintenance, custody of children and dissolution of marriage.”

3. Learned State counsel has informed that petitioners have joined the investigation on 11.12.2023.

4. Learned counsel for the petitioners submits that the terms and conditions of the previous order dated 09.11.2023 qua payment of FDR's has also been complied with. Copy of the order passed by the District Magistrate dated 21.11.2023 has been submitted which is taken on record, reflecting that FDRs of Rs.5 lakh each and a cheque amounting to Rs.15,000/- deposited by accused Mamtesh Kumar has been handed over to the complainant.

6. In view of the reasons recorded in the previous order and in view of the above circumstances, the interim order dated 09.11.2023 is made absolute. Present petition stands allowed. Petitioners shall remain bound by the conditions laid down under Section 438(2) Cr.P.C.

13th December, 2023

Shivani Kaushik

**[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No