

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

213

CRM-M-60554-2022

Date of Decision: 26.04.2023

Rajinder Singh And Another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Gursimran Singh Bawa, Advocate for the petitioner

Mr. Vipin Pal Yadav, Addl. AG, Punjab

Ms. Aayushi Jindal, Advocate for

Mr. Umesh Aggarwal, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. On 12.01.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioners are seeking anticipatory bail in FIR No.54 dated 16.10.2022 (Annexure P-1), registered at Police Station PS women, District Police Commissionerate, Amritsar, under Sections 406 & 498A of Indian Penal Code, 1860.

Learned counsel for the petitioners inter alia contends that petitioners are father and mother-in-law of the complainant and their son Inderpartap Singh has already been arrested. The petitioners are unfortunate old age parents of a boy whose marriage miserably failed and complainant has lodged FIR alleging commission of an offence punishable under Section 498A and 406 of IPC. The petitioners are innocent person and they have not committed the

alleged offence. The petitioners are not involved in any other offence. The petitioners are permanent resident of District Amritsar and staying with their family members. The petitioners are ready to join investigation and face trial. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion returnable for 24.02.2023.

Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, seeks time to file status report.

Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of Bihar (2014) 8 SCC 273, at the first instance, the petitioners are directed to appear before investigation officer on 19.01.2023 and thereafter as directed by IO. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioners shall cooperate the investigating officer.

If the arresting officer does not permit the petitioners to join the investigation, the petitioners would appear before the learned Illaqa Magistrate

who would then summon the arresting officer and direct them to join the petitioners in investigation, in terms of the order of this Court.”

2. Learned counsels for the parties are *ad idem* that matter has been amicably settled between the parties and they are staying together.

3. Learned State counsel submits that petitioners have joined investigation and no custodial interrogation is required.

4. In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioners vide order dated 12.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

5. If the petitioners or their family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

26.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>