

CRM-M-6139-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204/1

CRM-M-6139-2020 (O&M)

Date of decision:30.01.2024

Usha Kumari and another

....Petitioners

V/s

State of Punjab

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: None for the petitioners.

Mr. Anup Singh AAG Punjab.

Mr. Yogesh Goel, Advocate with
Mr. Pulkit Sethi & Mr. Vipul Goel, Advocates
for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) for grant of anticipatory bail to the petitioners in case FIR No.04 dated 08.01.2020, under Sections 323, 380, 325, 354, 506, 148 & 149 IPC registered at Police Station Division No.3, District Ludhiana.

On 25.02.2020, the following order was passed:-

Learned counsel for the petitioners states that virtually it is a matrimonial dispute between the parties and FIR No.10 dated 12.03.2019 under Sections 406, 498-A of IPC, Police Station Women, SAS Nagar, was registered against the husband who is complainant in the present FIR No.04, dated 08.01.2020, under Sections 323, 380, 325, 354, 506, 148, 149 of IPC, Police Station Division No.3, Ludhiana.

Learned counsel for the complainant has argued that the petitioners have come to the house of the complainant at late hours in the night and have attacked them, which led to injuries and for which, the taken/ complainant was admitted in Civil Hospital, Ludhiana and they have taken away the gold articles, cash of about Rs.30,000/- and a mobile phone.

In the background of the case, petitioner No.1 is the wife of the complainant. Matter is referred to Mediation and Conciliation Centre of this Court.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court, on 20.03.2020. However, the petitioners shall pay a sum of Rs.10,000/- to complainant on her appearance before the aforesaid Centre as litigation expenses, which shall be a condition precedent for initiation of mediation proceedings.

For awaiting report, list on 20.05.2020.

Meanwhile, till the next date of hearing, arrest of the petitioners shall remain stayed.”

Thereafter on 06.01.2023, the following order was passed:-

“Mr. Harleen Singh, Advocate has filed Vakalatnama on behalf of the petitioners, which is taken on record. He seeks time to advance arguments.

The learned State counsel also seeks time to file status report.

Adjourned to 27.01.2023.

Interim order to continue subject to the joining of investigation.

A photocopy of the order be placed on the file of other connected case.”

2. Learned State counsel, on instructions from ASI Gandoor Singh, has stated that pursuant to the orders dated 25.02.2023 and 06.01.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

3. In view of the above, the interim order dated 25.02.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

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5. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

January 30, 2024
Ajay

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