

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-12832-2024
Date of decision: 02.04.2024

GURDEEP SINGH AND ANOTHER
V/s
...PETITIONERS

STATE OF PUNJAB AND ANOTHER
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Tarun Singla, Advocate
for the petitioners.

Mr. Anup Singh, AAG, Punjab.

Mr. Manpartap Singh, Advocate for
Mr. A.S. Manaise, Advocate
for respondent No.2.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case bearing FIR No.12 dated 24.02.2024, registered for the offences punishable under Sections 498-A, 406, 506 of IPC at Police Station Qila Lal Singh, District Batala.
2. On 13.03.2024, the following order was passed:-

*“Apprehending their arrest in FIR No. 12 dated 24.02.2024 registered for offences punishable under Sections 498A,406,506 IPC at Police Station Qila Lal Singh, District Batala; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.
Inter alia contends that the FIR in question is the result of a matrimonial discord between son of the petitioner namely Rupinder Singh and complainant-Manpreet Kaur; petitioner No. 1 is aged about 58 years and petitioner No. 2 is a lady aged about 59 years; the petitioners are willing to return all the dowry articles/Istridhan in their possession; & the petitioners are willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioners has relied upon the dicta of the judgements of the Hon’ble Supreme Court in the case of ‘ Md. Asfak Alam versus The State of Jharkhand and another’ 2023(3) R.C.R. (Criminal) 754 and Arnesh Kumar versus State of Bihar (2014) 8 SCR 128.*

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State. Mr. Amandeep Singh Manaise, Advocate appears and files vakalatnama for respondent No. 2. The same be taken on record.

Adjourned to 02.04.2024.

The petitioners are directed to appear before the Investigating Officer on 19.03.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. It has been submitted by learned counsel for the petitioners that a settlement has been arrived at between the parties. This factum is ratified by the learned counsel appearing for the complainant.

4. Learned State counsel, on instructions from ASI Santokh Singh, has stated that pursuant to the order dated 13.03.2024, the petitioners have joined investigation and are no longer required for custodial interrogation except for effecting recovery.

5. In view of above, the present petition is allowed and interim order dated 13.03.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

7. 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.

- 8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
- 9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 02, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No