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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28555-2024 (O&M)
Date of decision: 04.07.2024

Girraj Singh and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rohit Rana, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.152 dated 17.09.2023 under Sections 323, 377, 406, 498-A, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC') (Section 25 of Arms Act added later on), registered at Police Station Women NIT, Faridabad, Haryana.

2. On 30.05.2024, the following order was passed:-

“The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’), seeking anticipatory bail in FIR No.152 dated 17.09.2023 under Sections 323, 377, 406, 498-A, 506, 34 of the Indian Penal

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Code, 1860 (for short 'IPC') (Section 25 of Arms Act added later on), registered at Police Station Women NIT, Faridabad, Haryana.

Learned counsel for the petitioners, inter alia, contends that the petitioners are father-in-law and mother-in-law of respondent No.2. The marriage of respondent No.2 with son of the petitioners took place on 13.05.2021 and the FIR (supra) has been registered as a counter-blast to the complaint made by petitioner No.2 against respondent No.2 and all the allegations contained in the FIR (supra) are implausible and too far-fetched. It is further contended that there is no possibility of the petitioners fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to them.

Notice of motion for 04.07.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioners will co-operate in the investigation.*

If the arresting officer does not permit the petitioners to



join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioners in the investigation, in terms of this order.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

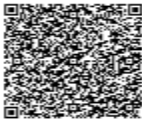
3. Learned State counsel, on instructions from Inspector Savita, at the very outset, informs the Court that the petitioners have joined the investigation, however, they are required to furnish the fingerprints and to recover the dowry articles.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court is of the view that no person can be compelled to confess his guilt, however, the petitioners are required to provide the fingerprints, as they cannot refuse to do so in view of ratio of law laid down by the Hon’ble Supreme Court in ***Selvi Vs. State of Karnataka, (2010) 7 SCC 263*** and by the Division Bench of this Court in ***Dewan Singh @ Ram Singh Vs. State of Haryana, 2023(4) R.C.R. (Criminal) 17.***

5. Learned counsel for the petitioners undertakes that the petitioners would appear before the Investigating Officer to provide their fingerprints.

6. In view of the above, order dated 30.05.2024 is hereby made absolute. The petitioners will abide by the terms and conditions envisaged

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under Section 438(2) Cr.P.C.

7. The petitioners would appear before the Investigating Officer on 09.07.2024 between 10.00 a.m. to 05.00 p.m. and would submit their fingerprints.

8. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

04.07.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No