



210 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-34634-2024 (O&M)

Date of Decision: 22.08.2024

BHIM SINGH AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.152 dated 17.09.2023 under Sections 323, 377, 406, 498-A, 506, 34 of the Indian Penal Code, 1860 (Section 25 of Arms Act added later on), registered at Police Station Women NIT, Faridabad, Haryana.

2. On 22.07.2024, following order was passed:

“The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.152 dated 17.09.2023 under Sections 323, 377, 406, 498-A, 506, 34 of the Indian Penal Code, 1860 (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 real uncle and aunt of the complainant. He relies upon the order dated 04.07.2024 passed in CRM-M-28555-2024 (Annexure P-4), vide which father-in-law and mother-in-law of the complainant have been granted the concession of anticipatory bail. The only allegations against the petitioners are that they instigated husband of the complainant to treat her with cruelty.

Notice of motion for 22.08.2024.

*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 shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioners shall 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 the order of this Court.

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 Sunita, submits that in compliance of order dated 22.07.2024 passed by this Court, the petitioners have joined the investigation and are not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 22.07.2024, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.

5. The petition is accordingly allowed.

(HARPREET SINGH BRAR)
JUDGE

22.08.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No