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101-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52346-2023 (O&M)
Date of Decision: 16.05.2024

PRIYA NISCHAL AND ANOTHER

.....PETITIONERS

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Kuljit Singh Bal, Advocate,
for the petitioners.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Bhriagu Dutt Sharma, Advocate,
for the complainant.

HARPREET KAUR JEEWAN J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in case FIR No. 70, dated 28.09.2023, under Sections 328, 498-A and 506 of the IPC, read with Section 34 thereof, registered at Police Station Mohkampura, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioners *inter alia* contends that petitioner No. 1 is the mother-in-law and petitioner No. 2 is the father-in-law of respondent No. 2-complainant. They have no interference in the matrimonial dispute *inter se* their son and the complainant. Petitioner No. 1 is 63 years of age and petitioner No. 2 is 68 years of age. Both the petitioners have made efforts for making reconciliation regarding the dispute *inter se* the husband and wife but they could not succeed, as



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such, petitioner No. 2 had even dis-inherited his son Rohit and his wife (the first informant), as per the affidavit dated 24.03.2023 (Annexure P-2). The matter was even settled thereafter and Rohit started living in a separate rental accommodation as per the compromise, dated 19.09.2023 (Annexure P-3). However, again there was a dispute *inter se* the husband and wife. The video recording of the violent act was done and the pen drive containing the said video recording (Annexure P-4) is part of the paper-book.

3. Counsel for the petitioners further submits that the petitioners were granted interim bail, as per the order dated 02.02.2024 passed by this Bench. The said order is reproduced as under:-

“A status report, dated 31.01.2024 by way of an affidavit of Sh. Gurinderbir Singh, Assistant Commissioner of Police, East Amritsar, has been filed in Court today by learned State counsel. The same is taken on record.

Adjourned to 16.05.2024.

To be taken up along with CRM-M-62309-2023.

In the meanwhile, the petitioners are directed to join investigation within 10 days and in the event of arrest, they shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:

(i) That the petitioners shall further make themselves available for interrogation by a police officer as and when required.

(ii) That the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.



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(iii) That the petitioners shall not leave India without the prior permission of the Trial Court/CJM concerned.”

4. Counsel for the petitioners further submits that the petitioners have joined the investigation in compliance of the aforesaid order, dated 02.02.2024 passed by the this Bench.

5. Learned counsel appearing on behalf of the State confirms that the petitioners have joined investigation and also contends that their further custodial interrogation is not required. Referring to the status report, it has been submitted that at the time when petitioner No. 2 joined the investigation on 09.12.2023 he had handed over one mobile phone and a pen drive alleged to have been containing a video recording of the incident and the said media was sent to Digital Forensic Lab, Amritsar, for Forensic examination. The video provided in the pen drive is the same as available in the phone. There is no editing found in that video. After watching the said video, it was found that the complainant and her husband Rohit (son of the petitioners) are arguing with each other and the complainant is telling that she is going to consume poison whereas co-accused of the petitioners namely Rohit Nischal is speaking that “drink drink”. However, the complainant is not clearly visible in the said video consuming the poison.

6. The counsel appearing on behalf of the complainant has opposed the present petition and submitted that the allegations against the petitioners and their son are serious in nature.

7. I have considered the aforesaid contentions.



8. Keeping in view the age of the petitioners and especially, in view the fact that the petitioners have joined investigation; their further custodial interrogation is not required by the Investigating Agency; there is no apprehension of absconding the petitioners and no recovery is yet to be effected from them, without expressing any opinion on the actual merits of the case, the present petition is allowed and the order dated 02.02.2024 passed by this Bench, granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. Liberty is reserved in favour of the State/complainant to move for cancellation/recall of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

11. Pending miscellaneous application (s), if any, shall also stand disposed of.

May 16, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No