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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54674-2023 (O&M)

Date of Decision: 19.03.2024

BUTA SINGH AND ANR.

.. Petitioners

Vs.

STATE OF PUNJAB AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Bikramjit Singh Baath, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Rajesh Kapila, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.0063 dated 07.10.2023 under Section 498-A of the Indian Penal Code, 1860, registered at Police Station Kahnuwan, District Gurdaspur.

2. On 02.11.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0063 dated 07.10.2023 under Section 498-A of the Indian Penal Code, 1860, registered at Police Station Kahnuwan, District Gurdaspur.

Learned counsel for the petitioners would contend that as per the FIR itself the parties had entered into a compromise and the petitioners and the son had agreed to return an amount of Rs.3,50,000/- which was spent on the wedding along with all the dowry articles. Learned counsel would further contend that the petitioners are willing to abide by the terms and conditions of the said compromise and settle the matter. In order to show their bona fide, the petitioners are willing to deposit a sum of Rs.1,50,000/- with the Registrar of this Court.

Notice of motion.

On the asking of this Court, Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State.

Let notice to respondent No.2 be issued, returnable 23.01.2024.

Meanwhile, the petitioners are directed to join investigation as and when called for. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioners shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioners are further directed to deposit a sum of Rs.1,50,000/-, by way of a demand draft, with the Registrar (Judicial) of this Court within 20 days from today which shall be invested in a fixed deposit (FDR) fetching maximum rate of interest.”

3. Learned counsel for the petitioners as also learned counsel for respondent No.2 are *ad idem* that the parties have amicably settled their matter.

4. Learned State counsel, on instructions from ASI Palwinder Singh, has stated that pursuant to the order dated 02.11.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

5. In view of above, the petition is allowed and interim order dated 02.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. Registry is directed to release the amount of Rs.1,50,000/- (deposited by the petitioners) to respondent No.2 on proper identification.

7. This order should not be treated as “blanket” order. It will not be interpreted as 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.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violate any condition

stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

9 Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

10. Pending application(s), if any, shall also stand disposed off.

19.03.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No