

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-58423-2023 (O&M)
Date of Decision: 19.03.2024

SUKHCHAIN KUMAR AND ANR.

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. B.S. Sidhu, Advocate
for the petitioners.

Ms. Himani Arora, AAG, Punjab.

Mr. S.K. Bajaj, 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.67 dated 13.10.2023 registered under Sections 380, 406, 498-A IPC at Police Station PS Women, District Bathinda.
2. Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of the complainant on account of a matrimonial dispute between the parties. Petitioner No.1 is father-in-law and petitioner No.2 is mother-in-law of the complainant. He further contends that the petitioners had joined the investigation in pursuance to the order dated 20.11.2023 passed by the Coordinate Bench of this Court.

3. On 20.11.2023, the Coordinate Bench of this Court passed the following order:-

“1. Petitioners are seeking anticipatory bail in case bearing FIR No. 67 dated 13.10.2023 under Sections 380, 406, 498-A IPC, registered at Police Station Women, District Bathinda.

2. Learned counsel for the petitioners contend that petitioner Nos. 1 and 2 are the father-in-law and mother-in-law of the complainant respectively. The marriage of the son of the petitioners was solemnized with the complainant on 17.05.2015 and two children have been born from the wedlock. The son of the petitioners died on 17.07.2022. Thereafter, the dispute has cropped up with the complainant. The petitioner No.1 and his another son have instituted two complaints under Section 138 of the Negotiable Instruments Act against the father of the complainant as two cheques issued by him in discharge of the legally enforceable liability have been dishonoured. A compromise was also effected on 03.06.2023 between the petitioners and the complainant but the same could not fructify. Saurav Tej Pal, the other son of the petitioners has been granted anticipatory bail by the Court of Sessions.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State.

5. Mr. S.K.Bajaj, Advocate has put appearance on behalf of the Negotiable Instruments Act had been instituted on the basis of the cheques which were stolen by petitioner No.1 and his other son. Moreover, the articles in pursuance of the compromise dated 03.06.2023 have not been returned.

6. Adjourned to 08.01.2024.

7. Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

4. Learned counsel for the complainant has opposed the present petition on the ground that no recovery has been effected from the petitioners.

5. Learned counsel appearing on behalf of the respondent-State on instructions from HC Seema Rani confirms that the petitioners have joined the investigation. She submits that the petitioners are father-in-law and mother-in-law of the complainant. Even the challan has been presented before the trial Court on 08.02.2024.

6. Keeping in view the reasons recorded in the order dated 20.11.2023 and keeping in view the fact that the petitioners have joined

investigation; their custodial interrogation is not required by the Investigating Agency; the investigation is complete and final report under Section 173 Cr.P.C has been presented before the trial Court, the present petition is allowed and the order dated 20.11.2023 granting interim bail to the petitioners is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

7. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

19.03.2024

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No