

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-62900-2023

Date of Decision: 14.03.2024

Kailash Devi and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. P.K.S. Phoolka, Advocate for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Nipun Bhardwaj, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners who are parents-in-law of complainant/ respondent No. 2 herein have filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 71 dated 02.11.2023 (Annexure P-1) registered under Sections 498-A, 406, 323 and 506 IPC at Police Station Women Cell, Bathinda, District Bathinda.

On 20.12.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.71 dated 02.11.2023 under Sections 498-A, 406, 323 and 506 of the Indian Penal Code, 1860 registered at Police Station Women Cell Bathinda, District Bathinda.

Learned counsel for the petitioners has contended that

the complainant and her husband are living separately since 2021 and that the petitioners herein had disowned their son on 28.08.2022. It is further the contention of learned counsel for the petitioners that even as per the FIR there is no entrustment of articles to the present petitioners.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State. Mr. Nipun Bhardwaj, Advocate accepts notice on behalf of respondent No.2 and seeks some time to file his vakalatnama.

List on 28.02.2024.

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.”

Learned counsel for the petitioners submits that in compliance of the order dated 20.12.2023 passed by a co-ordinate Bench of this Court, the petitioners have joined the investigation.

On instructions from ASI Bhupinder Singh, learned State counsel submits that in terms of the order passed by a co-ordinate Bench of this Court, reproduced above, the petitioners have joined the investigation and are co-operating with the investigating agency, and no further interrogation is required, at this stage. Learned counsel for the State informs that respondent No. 2 complainant has given a statement that she does not want recovery of dowry articles from the petitioners and wants to rehabilitate with the son of the petitioners. It is further

submitted that challan in the present case has already been presented and custodial interrogation of the petitioners is not required.

In view of the above, the order dated 20.12.2023 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

14.03.2024

rishu

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No