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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Reserve: 19th January 2011

Date of Order: 4th February, 2011

+ Bail Appln. No. 62/2011

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Raminder Kaur & Anr.

...Petitioners

04.02.2011

Versus

State

...Respondent

Counsels:

Mr. Bal Bahadur Singh for petitioners.

Mr. Sunil Sharma, APP for State/respondent with Insp. Pramod Joshi.

Mr. Saurabh Soni, Advocate for complainant

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

ORDER

1. This application for bail under Section 438 Cr.P.C has been preferred by the petitioners for grant of anticipatory bail who are sister and sister's husband of accused no.1 namely Gurpreet Singh with whom complainant married.

2. A perusal of complaint would show that accused persons namely Gurpreet Singh, Baldev Singh, Smt. Jasbir Kaur and Karambir Singh, Amrit Kaur all have been shown to be resident of Chandigarh and California. It is stated that presently these five accused persons were living at California and the present petitioners namely Raminder Kaur Uppal and Ajit Singh Uppal have been shown resident of Sector-15A, Chandigarh.

3. The marriage of complainant was settled through matrimonial site namely jeevan sathi.com. In the profile, the boy himself had given his particulars that he was never

married and stated his date of birth as 26th May, 1975 whereas the actually he was a divorcee and his date of birth was 20th May, 1973. In his profile, he stated that all his family was living in USA and only his sister Raminder Kaur and her husband (petitioners) were living in India. It is alleged by the complainant that initially her father filed a complaint at CAW Cell, Delhi while she was in USA because of the acts of cruelty and harassment committed on her in USA and petitioners making unlawful demands of dowry. After returning from USA to her parental house at Delhi she approached CAW Cell but police showed no interest in registration of an FIR. The investigating officer at CAW Cell made efforts for mediation but due to non-cooperative attitude of the accused persons including present petitioners the mediation efforts were not fruitful.

4. The complainant herself records that Gurpreet Singh i.e. her husband and his parents etc were American citizens. In January, 2008 after going through the profile of Gurpreet Singh talks were initiated regarding marriage. In July, 2008, the petitioner no.1 is stated to have visited the house of complainant at Kailash Colony, New Delhi along with petitioner no.2 and their daughter Kudrat. It is alleged that it was represented that Gurpreet Singh was a nice boy with good moral values having graduated from Chandigarh University. Thereafter family of the complainant and complainant went to U.S.A. to meet Gurpreet Singh, father Baldev Singh and mother Smt. Jasbir Kaur at their residence at California. They met them on 28th November 2008. On 29th November 2008, complainant and her family went to Seattle where they met Kanwar Bir Singh brother of Gurpreet Singh and sister in law of Gurpreet Singh. After meeting them and satisfying them, they came back from America and then went to Chandigarh on 23rd December 2008 for meeting with petitioners family who, it is alleged again assured them about the good qualities of Gurpreet Singh and his flourishing business. It is admitted that the marriage was to take place in California, USA. It is alleged that petitioners told them that dowry articles should be given in advance so that they can be taken to America. Thus the complainant's father transferred a sum of Rs.5 lac in the account of Gurpreet Singh

in USA by wire transfer. Allegations are made that Rs.5.1 lac was given to petitioner no.1 in cash and jewelry worth Rs.12 lac was given on their visit to Delhi. Jasbir Kaur, husband's mother called complainant's father and demanded a BMW car. However, the complainant's father agreed only for giving a Toyota car. The family of complainant left for America on 15th March, 2009 for solemnizing marriage in USA. There Gurpreet Singh and Baldev Singh (father) again asked for a BMW car in dowry. Father of complainant bought a Toyota Camry and gave the same in Dowry. It is admitted in the complaint itself that both the petitioners and their daughter Kudrat had not gone to America on the occasion of marriage. It is alleged that the articles entrusted to them for taking to US were withheld by the petitioners.

5. The complainant on 24th March, 2009 learnt the fact that Gurpreet Singh was two years older than what was represented in his profile, when she accompanied him for issuance of a license for marriage. However, she kept silent keeping in mind the respect and dignity of her family. She alleged that despite getting the car, as desired by her husband and his family members, their greed did not come to an end and complainant was asked to buy a Kundan Set for Amrit Kaur and on refusal accused Gurpreet Singh became furious. He was, however, convinced that the Kundan Set would be arranged after her parents go back to Delhi. On 4th April, 2009, marriage between the complainant and accused no.1 was solemnized in a Guruduwara at St. George California. Her parents stayed back in California for few days after the marriage for settling her down in her new life. The parents of complainant left California on 13th April, 2009.

6. From the above, it is clear that the complainant had come to know that the correct age of the boy before marriage itself, but she still consented for marriage. Her own allegations would show that the dowry demand etc. were made not by petitioners but by family of Gurpreet Singh much before marriage. She still had a choice not to marry Gurpreet Singh. The allegations leveled against the petitioners about giving cash and

jewellery are totally unverified. Petitioners had not attended the marriage, nor gone to USA even after marriage. There seems to be no reason to believe the allegations of giving cash to petitioners, when money was being directly transferred to USA through wire. The truth of statement that the jewelry was handed over to the petitioners has to be tested during trial and on the basis of this statement, the petitioners cannot be denied anticipatory bail. Otherwise, there seems to be no role of the petitioners either in demand of dowry or harassment or perpetuation of cruelty. The petitioners did not even attend the marriage. Considering all these facts and the fact that no incident of cruelty had taken place in India and no dowry demand was made by the petitioners, I consider that it is a fit case for grant of anticipatory bail. I also consider that there is a serious issue of jurisdiction of Delhi courts involved in this case as all pre-marriage ceremonies and marriage had taken place in USA, parties (husband and wife) lived together in USA, and all demands were raised in USA and alleged cruelties were perpetuated in USA.

7. In view of my above discussion, the application for anticipatory bail is allowed and it is directed that in the event of arrest, the petitioners be released on bail on their furnishing personal bond in the sum of Rs.25,000/- with one surety each in the like amount to the satisfaction of arresting officer/SHO concerned. However, the petitioners are directed to join investigation as and when Investigating Officer approaches them for investigation.

8. The application stands disposed of in terms of above order.

February 04, 2011
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SHIV NARAYAN DHINGRA, J