

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M No.11593 of 2015.

Date of Decision: April 30, 2015.

Balwant Singh and another

....Petitioners.

VERSUS

The State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

1. Whether the judgment should be reported in the digest? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No

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

Ms. Simsi Dhir Malhotra, Deputy General, Punjab.

Mr. Raman Goklaney, Advocate for the complainant.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioners in case First Information Report No.8 dated 19.03.2015 under Section 498-A read with Section 34 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Women Cell, District Ferozepur.

2. This case was registered on a complaint given by Ramandeep Kaur daughter of Satnam Singh, resident of Jhok Sarkari District Faridkot

to Senior Superintendent of Police, Ferozepur. Her allegations were that she was married to Rajwinder Singh son of Balwant Singh (petitioner No.1) and Manjit Kaur (petitioner No.2) of Nazu Shah Mishri Wala, District Ferozepur. Her parents spent huge money beyond their capacity on the dowry articles given in marriage which included car, jewellery etc. Her husband is in Army. As and when he came home he would demand more dowry on the asking of his parents and sisters. She used to be harassed and maltreated by her father-in-law, mother-in-law and sisters-in-law (husband's sister) for bringing inadequate dowry. On 27.03.2014, her husband and all other members of the family demanded dowry and when she expressed her inability to satisfy their demand, they gave her severe beatings. The same day, when her father called her to enquire her well being, she narrated about the occurrence to him, on which he alongwith her brother Kamaljeet Singh came and tried to make her in-laws understand but as they were adamant, her father got her admitted in the hospital where her statement was recorded on the basis of which First Information Report No.41 dated 31.03.2014 under Sections 498-A, 323, 148 and 149 I.P.C. was registered at Police Station Kulgarhi.

Subsequently, a compromise took place between her and her in-laws family, pursuant to which the First Information Report was quashed by the High Court at Chandigarh. The attitude of her husband and in-laws still did not change and they continued to maltreat her and demanded a big SUV car. On 16.11.2014, when she was residing at her maternal grandfather (Nana)'s house, her husband Rajwinder Singh forcibly entered the house

and gave her beatings. In respect to the incident, First Information Report No.78 dated 18.11.2014 under Sections 452, 323 and 506 I.P.C. was registered at Police Station Sadik.

Subsequent to the said occurrence, the instant case bearing First Information Report No.8 dated 19.03.2015 under Section 498-A read with Section 34 I.P.C. was got registered by the complainant demanding strict action against her husband and other members of in-laws family.

3. Heard the submissions made by Mr. B.S. Sidhu, learned counsel representing the petitioner, Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab and Mr. Raman Goklaney, learned counsel representing the complainant.

4. It was submitted on behalf of the petitioners that they have been falsely dragged into the criminal litigation by the complainant whereas they had no role to play in the marital discord between the complainant and her husband. After the first case bearing First Information Report No.41 dated 31.03.2014 was got registered by the complainant, a compromise was effected between the parties on 04.04.2014 which was signed by the complainant, her husband, fathers of both of them and other numerous respectable persons of the district. According to the terms and conditions of the compromise, it was agreed that Ramandeep Kaur will reside at her parental house in village Jhok Sarkari and as and when her husband Rajwinder Singh will come on leave they both will reside together at his house.

Learned counsel contended that ever since the compromise the

complainant had not been residing with the petitioners, therefore, the question of their maltreating her or of demanding dowry from her did not arise. Submitting that petitioners are old persons having two young daughters at home and nothing is to be recovered from them, learned counsel prayed that they be given the benefit of anticipatory bail.

5. The application was opposed by learned Deputy Advocate General, Punjab as well as learned counsel representing the complainant. They submitted that this is the third criminal case got registered by the complainant because of the harassment and ill treatment she had been facing at the hands of her husband and the petitioners.

6. It was mentioned by the complainant herself in the First Information Report that after, on her complaint, the First Information Report No.41 dated 31.03.2014 under Sections 498-A, 323, 148 and 149 I.P.C. was registered against her husband and other members of her in-laws family, a compromise had taken place between her and her in-laws on the basis of which the said First Information Report was quashed by this Court. Copy of the compromise dated 04.04.2014 has been placed on file by the petitioners according to which it was agreed that complainant Ramandeep Kaur will reside at her parental house and will join her husband Rajwinder Singh at his house only when he would come on leave. The second First Information Report No.78 dated 18.11.2014 on account of physical assault on her at her maternal grandfather's place, was registered only against her husband Rajwinder Singh. In that complaint no specific allegation was attributed to the petitioners. In the present complaint also, the allegation of

her maltreatment by the petitioners was general. No specific overt act was attributed to either of them.

More so, the complainant stated that on 16.11.2014 when her husband physically assaulted her she was residing at her maternal grandfather's place. She did not state when after the compromise or that incident she had gone to her matrimonial home. Nothing is said to be recovered.

7. In view of the facts and circumstances of the case and least any expression above may prejudice the case of either side, in my considered opinion, it is a fit case where the petitioners deserve to be given the benefit of anticipatory bail. Accordingly, the petition is allowed and the benefit of anticipatory bail is allowed to the petitioners. In the event of their arrest, they shall be released on bail to the satisfaction of the Arresting/ Investigating Officer. They shall appear before the Investigating Officer as and when called upon for investigation. They shall also be bound by the following conditions as contained in Section 438(2) Cr.P.C.:-

- (i) that the petitioners shall 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 him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioners shall not leave India without the previous permission of the Court.

(SNEH PRASHAR)
JUDGE

April 30, 2015
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