

CRM No.M-12325 of 2015(O&M) 1

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

CRM No.M-12325 of 2015(O&M)

Date of Decision : 09.07.2015

Nirmala Devi and another

....Petitioner

Versus

State of Punjab

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Anandeshwar Gautam, Advocate for the petitioner

Mr. P.J.S.Hundal, AAG, Punjab

Mr. S.P.S.Sidhu, Advocate for complainant

MAHESH GROVER, J.

The petitioners pray for grant of pre-arrest bail in terms of Section 438 Cr.P.C in case FIR no.16 dated 14.3.2015 registered under Sections 498-A, 406,323, 376, 511, 120-B IPC at Police Station, City II, Mansa, District Mansa.

This Court swayed by the fact that the allegations have surfaced on account of the martial discord of the son of the petitioners with complainant, granted concession of interim bail to them on 21.4.2015 by noticing the contention of the learned counsel for the petitioners that bad relations between the parties have been aggravated on account of discovery of earlier marriage of the complainant which fact was allegedly concealed from the family of the petitioners. They further pleaded that they are parents in law of the complainant and have nothing to do with her marital affairs.

The FIR would reveal serious allegations against the petitioner

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no.2 but primarily concerned with the fact that in such like offences the possibility of false implication cannot be ruled out, this Court had granted indulgence to the petitioners.

It has now been brought to the notice of this Court by learned counsel for the complainant as also the State that subsequent to the passing of this Court's order, petitioner no.2 Dharam Pal had abused the concession of bail by indulging in violence against the complainant resulting in registration of another FIR no. 42 dated 27.6.2015. An MLR also indicates that certain injuries were received by the complainant in the process.

If that be so then the petitioner no.2 has clearly violated the directions of bail order which are implicit in such an equitable concession granted by a Court and a person who is repeatedly coming in conflict with law cannot be granted such a concession of bail when he chooses to abuse such concession. Consequently, the prayer for pre-arrest bail qua Dharam Pal- petitioner no.2 is dismissed.

There are no allegations of violence or flouting the terms of bail against petitioner no1 who is said to have joined the investigation to the satisfaction of the Investigating Officer pursuant to the directions of this Court dated 21.4.2015. Hence, interim directions qua her are made absolute subject to the condition that she continues to comply with the provisions of Section 438(2) Cr.P.C.

Disposed of.

July 09, 2015
rekha

(Mahesh Grover)
Judge