

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

CRM-M-13523 of 2015
Date of Decision: 24.07.2015

Harbhajan Kaur and anotherPetitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mrs. G.K. Mann, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Harkeerat Singh, Advocate
for the complainant.

SNEH PRASHAR, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.9 dated 20.03.2015 under Sections 420, 406 and 120-B of the Indian Penal Code (for short 'IPC) registered at Police Station NRI Moga.

2. Heard the submissions made by Mrs. G.K. Mann, Advocate representing the petitioners and Mr. Ashish Sanghi, DAG, Punjab representing State; Mr. Harkeerat Singh, Advocate representing the complainant.

3. Learned State counsel submits that though the petitioners had come to join investigation but they did not co-operate. The dowry

articles and the istridhan given to Gagandeep Kaur at the time of

marriage by the complainant are in possession of the petitioner and not a single item has been returned by them so far. He also submitted that as mentioned in the First Information Report the petitioners being parents-in-law had gone to New Zealand in the last week of August, 2014 and had stayed with Gagandeep Kaur and her husband-Sheetal Singh. They returned just a week before 08.09.2014, the date on which Sheetal Singh after leaving the small child aged 2 ½ years with neighbours, took away the entire household articles including laptop, tablet and computer etc. of Gagandeep Kaur and withdrew all money from the joint account and went missing from the house. Gagandeep Kaur tried to contact Sheetal Singh but his mobile was switched off. Then she took help of New Zealand police, who inquired into the matter and informed Gagandeep Kaur that Sheetal Singh had left New Zealand on the same day i.e. 08.09.2014. Learned counsel further pointed out that the complainant had specifically mentioned in the First Information Report, the dates and the amount sent by him in New Zealand currency to Sheetal Singh and also the cash and other valuable articles given to the petitioners on their asking.

It is also submitted that the petitioners are not disclosing the whereabouts of Sheetal Singh, who had left New Zealand on 08.09.2014 although on the last date of hearing their counsel had stated in the Court that Sheetal Singh will be back in India in about a month.

5. Learned counsel for the petitioners contended that no instruction was given by the petitioners to the earlier counsel-Mr. A.S.

Brar, Advocate, who represented them on 14.05.2015 to state in the Court that Sheetal Singh will be back in India in about a month.

6. Mr. A.S. Brar, Advocate, who is incidentally present in the Court has stood up and stated that he had received a telephonic call from Sheetal Singh and had also been given specific instructions by the petitioners to state in the Court that Sheetal Singh will be back to India in about a month and that the petitioners and their son are ready for a settlement.

7. From the aforesaid facts and circumstances, it is clear that the petitioners have not come to the Court with clean hands. The submissions made by them during proceedings are also not genuine. There are direct and specific allegations against them in the First Information Report of harassing and maltreating their daughter-in-law Gagandeep Kaur and of misappropriating her istridhan etc. Recovery of dowry articles and the istridhan of Gagandeep Kaur is to be made for which their custodial interrogation is necessary.

In view of the facts and circumstances of the case and without going into the merits of the case, in my considered opinion, there appears no ground for extending the concession of anticipatory bail to the petitioners and their petition is hereby dismissed.

July 24, 2015
rashmi

(SNEH PRASHAR)
JUDGE