

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-16919 of 2014 (O&M)
Date of Decision: January 12, 2015

Sukhbir Kaur and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Dr.Anmol Rattan Sidhu, Senior Advocate with
 Mr.Kuljit Singh Bal, Advocate
 for the petitioners.

Mr.S.S.Chandumajra, Deputy Advocate General, Punjab
 for the respondent-State.

Mr.B.S.Baath, Advocate
 for respondent No.2.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.04 dated 14.03.2014 under Sections 406 and 498-A IPC registered at Police Station NRI, District Kapurthala.

As per averments in the petition, petitioner No.1 Sukhvir Kaur is mother-in-law and petitioner No.2 Randeep Kaur is sister-in-law of respondent No.2 Aashdeep Kaur. As per prosecution version, son of petitioner No.1 and brother of petitioner No.2 has been residing in Australia since 2005 and is well settled there. The marriage of the

complainant was solemnized in January 2013 in India and it was registered in Australia on 14.05.2013 as per Australian Rules and Regulations. The couple lived together happily after the marriage. They both visited Australia on 03.05.2013 in order to fulfill the formalities for settling the complainant in Australia. On 14.05.2013, marriage was performed in Australia as per the requirement of the Australian Government. After the marriage, Bhupinder Singh husband of the complainant and complainant Aashdeep Kaur decided to come back to India but the complainant refused to accompany her husband and therefore, Bhupinder Singh had to come back alone on 21.05.2013. The complainant came back to India on 01.08.2013.

It is further stated in the petition that petitioners are ignorant regarding problems going on between complainant and her husband. It is also stated that other son of petitioner No.1 is also residing in Australia, therefore, both the petitioners want to settle in Australia.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the petitioners have joined the investigation in view of the order dated 16.05.2014. As per the allegations, the marriage has taken place in Australia and the parties were earlier residing in Australia and even the complainant still resides

in Australia, therefore, the dowry articles etc. are supposed to be in possession of the husband and not in the possession of present petitioners.

The petitioners have already joined the investigation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case and in view of the fact that petitioners are not required for custodial interrogation and without discussing the merits of the case in minute details and without expressing any opinion on the merit of the case, I find it a fit case where petitioners are entitled to benefit of anticipatory bail. Therefore, the present petition is allowed. The order dated 16.05.2014 granting interim bail to the petitioners is made absolute.

January 12, 2015
Vgulati

(INDERJIT SINGH)
JUDGE