

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

CRM-M-1905 of 2015

Date of Decision: May 19, 2015

Dara Ram and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Sushma Chopra, Advocate
for the petitioners.

Mr. C.S. Brar, DAG, Punjab.

Mr. D.S. Randhawa, Advocate
for the complainant.

FATEH DEEP SINGH, J.

Inspite of specific orders the petitioners have failed to put in appearance. Learned counsel for the petitioners states that they have gone abroad and not likely to return back shortly. Let the matter be heard on merits.

Heard.

The allegations against the present petitioners Dara Ram and Akki Ram are that marriage of their son co-accused/non-applicant Najinder Ram took place with complainant Gurpreet Kaur on 6.5.2010, wherein, accused were handed over dowry articles as per their wishes and demand and that the accused had undertaken to take complainant along with them to England, where they are residing but after the two weeks of the marriage they demanded ₹20 lacs and when family of the complainant failed to fulfil this demand they left the country and refused to take her back leading to registration of the

present case on 23.11.2013.

The contention of the petitioner's counsel that being old persons the petitioners have no role to play in commission of this offence and are living separately from their accused son and prayer has been made that leniency be shown to them in the grant of relief. The prayer has sought to be opposed on behalf of the State on the ground that the petitioners have misused the concession of bail and have left the country without any permission and have been accused of usurping the dowry of the complainant and treating her with cruelty and that the custodial interrogation of the petitioners are very much essential.

Apparently the conduct of the petitioners who were earlier declared as proclaimed offenders on 15.8.2014 and inspite of leniency shown to them vide previous order dated 21.1.2015 both the petitioners without adopting due procedure of law and seeking permission of the Court have left the country and declined to come back when specifically directed.

Keeping in view the Prima facie allegations and the facts of the case the custodial interrogation of the petitioners is essential to recover the *Istri dhan* together with the settled law that provisions of Section 438 of the Code are to be used sparingly. No case for concession of anticipatory bail is made out, the bail application as such stand dismissed.

(FATEH DEEP SINGH)
JUDGE

May 19, 2015
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