

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-19914-2014

Date of decision : 21.01.2015

Subash Chand and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Chanchal K.Singla, Advocate
for the petitioners.

Mr.Gazi Mohammad, DAG, Punjab.

Mr.G.S.Bal, Senior Advocate
with Mr.A.D.S.Bal, Advocate
for the complainant.

REKHA MITTAL, J.(ORAL)

Counsel for the petitioners states that the petitioners have already joined investigation in compliance with interim bail granted by the Court. Bhupinder Kumar, husband of the complainant is ready to rehabilitate the complainant in a house separate from his parents in compliance with the compromise effected between the parties on 17.01.2014. The petitioners are residing in Patiala and Bhupinder Kumar is residing in Mohali as he is working with GAMADA, Mohali. The husband of the complainant was arrested in the case and was later released on bail. There is no allegation in the FIR in regard to entrustment of any articles of dowry or the petitioners being in possession of any article of Istridhan of the

complainant who had been staying with her husband at Jalandhar most of

the times and came back from Jalandhar just 20 days prior to her leaving the matrimonial home on 16.09.2013. It is further submitted that the petitioners are ready to face proceedings without any default.

Counsel for the State, on instructions from ASI Nirmal Kaur, Police Station Women Cell, Patiala and counsel for the complainant would submit that custodial interrogation of the petitioners is required to recover gold jewellery weighing eight tolas.

I have heard counsel for the parties and perused the records.

The present FIR has been lodged on the basis of application filed by the complainant who has serious grievance to express against the husband in regard to mental and physical harassment. In the FIR, there is no allegation in regard to the petitioners being in possession of any articles of Istridhan belonging to the complainant. There is no challenge to the contentions of the petitioners that the complainant along with her husband had been staying at Jalandhar most of the times until she left the matrimonial home on 16.09.2013. Counsel for the complainant has submitted that the complainant is not willing to go back and resume cohabitation with the husband due to treatment meted out to her during her stay with the husband.

In view of the above, I am of the considered opinion that custodial interrogation of the petitioners is not required and thus, the interim bail granted to the petitioners is made absolute subject to the conditions envisaged in Section 438(2) Cr.P.C.

(REKHA MITTAL)
JUDGE

January 21, 2015.

DK