

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-21614 of 2015

Date of Decision: August 28, 2015

Balraj Singh Ghuman

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. P.S. Hundal, Sr. Advocate with
Mr. Dinesh Trehan, Advocate
for the petitioner.

Mr. Jashanpret Singh, AAG, Punjab.

Mr.P.B.S. Goraya, Advocate.

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M.M.S. BEDI, J. (ORAL)

Petitioner is father-in-law of Rajbir Kaur. He seeks the concession of pre-arrest bail in a case filed by his daughter-in-law Rajbir Kaur who was married to Sukhraj Singh on December 18, 2012. The husband of the complainant had left for USA on January 5, 2013 without getting the marriage registered and has not returned. It was third marriage of the son of the petitioner and second marriage of complainant. A sum of

Rs.50 lacs had been demanded for sending her to USA but father of the complainant had refused to pay the said amount. A complaint having been made to SSP, Batala, the matter was compromised on February 13, 2013. It was agreed to that husband will come to India within a period of two months and will take her to USA. The complainant moved an application to NRI Cell, Amritsar in March 2014. The husband of the petitioner has neither returned to India nor he had taken steps to take the complainant to USA. She has been turned out of the matrimonial home and is not permitted to stay in her matrimonial home at Qadian. Her mother-in-law had filed a suit for injunction to restrain her from entering the matrimonial home. The husband of the complainant and his family members have misappropriated all the dowry articles of the complainant.

Mr.P.S. Hundal, Sr. Advocate appearing on behalf of the petitioner has submitted that the petitioner is a retired Army Officer and that it was third marriage of his son whereas it was second marriage of the complainant. He has made a reference to annexure P-2 wherein the NRI Cell had arrived at a conclusion that it was not a case of demand of dowry but a difference of opinion of husband and wife. He also argued that as a matter of fact the matter has been settled by a compromise entered into between the son of the petitioner and the complainant. As per the written compromise, a sum of Rs.23 lacs had to be paid to the complainant as permanent alimony. Counsel has also relied upon the telephonic conversation of the complainant with his son and produced a transcription of

the conversation wherein the complainant has threatened to involve the son of the petitioner in a case of rape or demand of dowry.

I have heard learned counsel for the petitioner and carefully gone through the facts and circumstances of the case. In the present case, the marriage of son of the petitioner and the complainant lasted for only 18 days when his son had returned to USA. From the record, it is apparent that the petitioner had assured the return of his son. So far as the settlement between the parties to pay a sum of Rs.23 lacs is concerned, Mr.Hundal has submitted that pursuant to the interim directions dated July 7, 2015, a sum of Rs.23 lacs has been deposited with the Registrar. An attempt was made to bring about reconciliation between the parties. The complainant by appearing in the Court has submitted that she had married the son of the petitioner for a life long union but the petitioner has connived with his son in treating the complainant's life a commodity. She had entered the matrimonial bond on the basis of an assurance given by the petitioner and his son that she would have a happy union with the family but her trust has been betrayed by playing with her life. When she was confronted with the compromise arrived at for permanent alimony, she stated that the petitioner, his son and other family members have treated her with utmost cruelty. She stated that she has been physically exploited for few days and now an attempt is being made to pay money by abusing her physically and mentally. She refused to accept the sum of Rs.23 lacs and has expressed her desire to stay with Sukhraj Singh.

The entire circumstances mentioned hereinabove indicate that the petitioner and his family members have treated the complainant in an inhuman and cruel manner and playing with her sentiments to such an extent that she is reluctant to accept the money being an insult to her honour and feminine. The dispute in the present case appears to be not of money but a case of mental pain given to the complainant by the petitioner and his family members by act of humiliation, insult and cruelty. The wife of the petitioner had filed a suit for injunction against the complainant to prevent her to enter the matrimonial home whereas she has got a statutory right under Section 17 of the Protection of Women from Domestic Violence Act, 2005. No extraordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner at this stage.

The petition is dismissed. It will be open to the petitioner to seek the refund of the amount deposited with the Registrar.

August 28, 2015
sanjay

(M.M.S.BEDI)
JUDGE