

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

CRM-M-25114-2015

Date of decision: 14.09.2015

Sukhpreet Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

Mr. Joban Singh, Advocate for
Mr. Vineet Kaushal, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.63 dated 17.04.2015 under Sections 406, 420, 120-B IPC, registered at Police Station Division No.1 Jalandhar, District Jalandhar.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that ring ceremony took place between the petitioner and complainant on 03.05.2009 and thereafter, marriage was performed on 01.12.2012. He further submits that if there is any money or matrimonial dispute between the husband and wife, it shall not constitute any offence under Section 406, 420, 120-B IPC. He prays for allowing the present petition.

Learned counsel for the State, on instructions from SI Vijay Kumar, Police Station Division No.1 Jalandhar, submits that although petitioner has joined the investigation, in compliance of the orders passed by this Court, yet the amount paid to her by the complainant has not been got recovered by her. Similarly, learned counsel for the complainant, while endorsing the argument raised by learned counsel for the State, seeks dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length and after careful perusal of the record of the case, this Court is of the considered opinion that in the given fact situation obtaining in the present case, petitioner has been found entitled for the concession of anticipatory bail. It is so said because there is no allegation against the petitioner that she has misused the concession of interim anticipatory bail granted by this Court.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Order dated 31.07.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

14.09.2015
vishnu