

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

CRM No. M-263 of 2015 (O&M)

Date of Decision: 07.08.2015.

Mukhtiar Singh & others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.S. Sullar, Advocate for the petitioners.

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

Mr. Saurabh Arora, Advocate for the complainant.

....

TEJINDER SINGH DHINDSA.J.

CRM No.25008 of 2015:

Application is allowed as prayed for.

Complainant, Rajwinder Kaur, details of whom have been furnished in the head note of the application is impleaded as party respondent No.2. Amended memo of parties is taken on record.

Application is disposed of.

CRM No.25009 of 2015:

Application is allowed as prayed for. Documents at Annexures R-1 to R-5 are taken on record.

Application is disposed of.

Main case:

Petitioners seek the concession of pre-arrest bail in case FIR No.270, dated 01.11.2014, under Sections 323/406/498-A/506 IPC, registered at Police Station Naraingarh, District Ambala.

While issuing notice of motion, the following order was passed by this Court on 07.01.2015:

“The petitioners pray for grant of bail in anticipation of arrest in FIR No. 270 dated 1.11.2014 registered at Police Station, Naraingarh, District Ambala for offence punishable under Sections 323, 406, 498-A, 506 of the Indian Penal Code.

Notice of motion.

Ms. Neelam Kashyap, DAG, Haryana accepts notice on behalf of the State of Haryana and Mr. H.S.Baath, Advocate alongwith complainant in person accepts notice on behalf of the complainant.

Counsel for the petitioners contends that the complainant has raised general and vague allegations against the petitioners in regard to demand of dowry, harassment in connection thereof and misappropriation of her stridhan. The bone of contention is that the complainant is pressing hard for going to Italy where her husband is staying and earning livelihood. The petitioners and husband of the complainant are ready to rehabilitate her in the matrimonial home and reconcile the differences. They are also ready to deposit a reasonable amount in the names of the minors but the interest income may be spent by the complainant for meeting expenses of maintenance of the minors.

Counsel for the complainant submits that the complainant is ready to reside with her husband but he either should come back to India or take the complainant to Italy so that she can enjoy her marital status in the company of her husband.

In reply, counsel for the petitioners states that the petitioners will try their level best to ensure that the husband comes back to India within a period of 4-5 months so that entire dispute between the parties is settled amicably.

Keeping in view the above, petitioner No. 1 is directed to deposit an amount of Rs. 3 lakhs each in the names of minor

children by way of fixed deposit receipts under the guardianship of their mother who shall be entitled to receive interest accruing thereon to meet expenses on their maintenance. In the meantime, petitioners are directed to join investigation within 15 days and they would submit the two FDRs in the sum of Rs. 3 Lakhs each in the names of minors at the time of joining investigation and on their appearance before the arresting/investigating officer, they shall be admitted to bail on their furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-

i) they shall make themselves available for interrogation by a police officer as and when required;

(ii) they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(iii) they shall not leave India without previous permission of the Court.

Adjourned to 3.3.2015.”

It has gone uncontroverted that in pursuance to the order dated 07.01.2015, two FDRs of an amount of Rs.3 lacs each in the name of the minor children have been made with Axis Bank Branch, Grain Market Kaithal Road Cheeka and under the guardianship of the mother i.e. the complainant. Learned State counsel has even produced for the perusal of the Court a communication from the Manager of the Bank in terms of which the interest accruing from two FDRs would be available to the complainant for the upkeep and welfare of the minor children.

On the last date of hearing i.e. on 04.08.2015, counsel appearing for the complainant had opposed the prayer made in the petition by stating that there was specific entrustment of certain gold ornaments in

favour of petitioners No.1 and 3. Insofar as petitioner No.2 is concerned, she is stated to have expired during the pendency of the present petition.

Learned counsel appearing for the petitioner during the course of hearing today, has produced a cheque bearing No.108093, dated 14.08.2015 drawn in Axis Bank for an amount of Rs.1 lac in favour of the complainant, Rajwinder Kaur. Counsel for the petitioners state that even though the allegations pertaining to the entrustment of gold ornaments and cash are false but such payment is being furnished only towards showing and demonstrating the bonafides and good intentions of the present petitioners.

In the light of the facts and circumstances noticed herein above, this Court is of the considered view that custodial interrogation of the petitioners No.1 & 3 would not be warranted.

Accordingly, petition is allowed. Order dated 07.01.2015 passed by this Court is made absolute.

It is, however, clarified that in the eventuality of the cheque furnished in Court today being dishonoured, the concession granted to the petitioners No.1 & 3 as regards anticipatory bail would cease to operate.

Disposed of.

07.08.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**