

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-31107 of 2015

Date of Decision: September 14, 2015

Karmjit Kaur

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sukhraj Singh Brar, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439(2) Cr.P.C. for cancellation of bail granted to respondent No.2-Jaswinder Kaur @ Binder Kaur by learned Addl. Sessions Judge, Fatehgarh Sahib vide order dated 13.08.2015 in case FIR No.100 dated 18.07.2015 under Sections 406 and 498-A IPC registered at Police Station Khamano, District Fatehgarh Sahib.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that Jaswinder Kaur @ Binder Kaur has been granted anticipatory bail under Section 438 Cr.P.C. by learned Addl. Sessions Judge, Fatehgarh Sahib vide order dated 13.08.2015. As per the case of the petitioner, she has compromised with her father-in-law. It is also her case that some sale deed has been executed by Harbans Singh, father-in-law of the petitioner, in her favour. The argument of learned counsel for the petitioner is that

petitioner has compromised the matter with her father-in-law only and not with other accused. This argument of learned counsel for the petitioner has no merit. If the matter has been compromised by the petitioner in a matrimonial dispute with father-in-law by getting some property in her name, then the petitioner cannot say that there is no compromise with the other relatives of the husband.

Respondent No.2-Jaswinder Kaur @ Binder Kaur is sister-in-law of the petitioner-complainant. The dowry articles are not supposed to be in her possession. She cannot be held as main accused in the case under Section 406 and 498-A IPC. Respondent No.2 is also not required for any custodial interrogation. There is no allegations that she has misused the concession of anticipatory bail in any way.

The order dated 13.08.2015 vide which benefit of anticipatory bail was granted to Jaswinder Kaur @ Binder Kaur, in no way, can be held as illegal or against the provisions of law. The order passed by learned Addl. Sessions Judge, Fatehgarh Sahib is correct and as per law and no ground is made out for cancellation of bail. All the material facts have already been considered by learned Court below while granting benefit of anticipatory bail to Jaswinder Kaur @ Binder Kaur.

Therefore, finding no merit in the present petition, the same is dismissed.

September 14, 2015
Vgulati

(INDERJIT SINGH)
JUDGE