

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

(1)

**CRM-M-33929 of 2014
DATE OF DECISION : 30.01.2015**

Balwant Singh

.... Petitioner

Vs.

State of Punjab

.... Respondent

(2)

**CRM-M-34627 of 2014
DATE OF DECISION : 30.01.2015**

Gurmeet Kaur & anr.

.... Petitioners

Vs.

State of Punjab & anr.

.... Respondents

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

Present :- Mr.K.S.Lakhanpal, Advocate
for the petitioners in both the petitions.

Mr.J.S.Brar, AAG, Punjab.

Mr.Jasjit Singh, Advocate
for the complainant.

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

This petition will dispose of the aforesaid two applications, one filed by Balwant Singh and the other filed by Gurmeet Kaur and Jinder @ Harjinder Kaur, for pre-arrest bail.

The petitioners seek concession of pre arrest bail in a case registered at the instance of complainant Kanwaljit Kaur alleging that she was married to Harpreet Singh, son of Balwant Singh and Gurmeet Kaur. She was abused and taunted by her husband and other family

members. Allegations of beating have been levelled against the accused. Balwant Singh is father-in-law and Gurmeet Kaur is mother-in-law whereas Jinder @Harjinder Kaur is sister-in-law (*Jethani*) of the complainant who was allegedly turned out of the shared household while her husband had gone abroad.

On asking of the Court, it has been informed by the State counsel that husband of the complainant has been arrested on his return from Dubai.

Learned counsel for the petitioners has urged that the husband of the complainant has been disowned by both parents and that they have been falsely implicated in the case.

There are allegations of demand of dowry and beating against petitioners Gurmeet Kaur and Jinder @ Harjinder Kaur. The complainant wife has got a statutory legal right to stay in the shared household. Since the husband of the complainant had gone abroad, she has not been permitted to exercise the legal right of residence.

Learned counsel for the petitioners vehemently contended that the petitioners had provided accommodation to the complainant while her husband had been away.

I have considered the contention of the learned counsel for the petitioners and I am of the opinion that there is no inclination and intention on the part of the petitioners to rehabilitate the complainant. No specific positive action appears to have been taken by the father-in-law and mother-in-law to enable the complainant to stay in the shared household. On one hand an excuse has been raised that the son has

been disowned, on the other hand a false plea is being taken that they have provided accommodation to the complainant.

Taking into consideration the totality of the circumstances, I am of the opinion that only Jinder @ Harjinder Kaur can be granted the concession of pre-arrest bail being Jethani. The acts of cruelty against the complainant at the hands of other two petitioners, namely Balwant Singh and Gurmeet Kaur, father-in-law and mother-in-law are writ large.

It is also not out of place to mention that the petitioners have connived with the husband of the complainant as he has also taken steps to get rid of complainant by filing a divorce petition.

In view of the above said circumstances, application of Balwant Singh and Gurmeet Kaur is dismissed. However, it is ordered that in case of arrest of Jinder @ Harjinder Kaur she will be released on bail to the satisfaction of arresting officer subject to the condition that she will join investigation as and when required by the police, she will not tamper with the evidence or hamper the investigation in any manner.

Petition qua Balwant Singh and Gurmeet Kaur is dismissed at this stage without prejudice to the rights of the petitioners to approach this Court in case the matter is amicably resolved.

30.01.2015*Pooja Sharma-I***(M.M.S.BEDI)
JUDGE**