

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

CRM No. M-37228 of 2014 (O&M)

Date of Decision: 14.07.2015.

Gurwinder Singh & others

... Petitioners

Versus

Parminder Singh

... Respondent

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

Present:- Mr. Hitesh Kaplish, Advocate for the petitioners.

Mr. Rakesh Kumar, Advocate for the respondent.

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TEJINDER SINGH DHINDSA.J.

The petitioners herein have preferred the instant petition under Section 438 Cr.P.C. seeking the concession of anticipatory bail in complaint No.16/14 dated 15.02.2014 under Sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 323/452/506 IPC.

Counsel for the parties have been heard.

It may be noticed that the complainant/respondent, Parminder Singh is the husband of petitioner No.4, namely, Kiranvir Kaur. Petitioners No.1, 2 and 3 are members of the in-laws of complainant/respondent.

Perusal of the complaint which has been placed on record and appended at Annexure P-2 would reveal that it was a run away marriage between the complainant and Kiranvir Kaur and even an application had been filed jointly by them before the Human Rights Commission at Chandigarh seeking police protection as they had apprehended threat to their lives and liberty from the family members on account of having entered into matrimony on their own. Subsequently, in a petition that had

been filed before this Court, Kiranvir Kaur had suffered a statement that she wants to go back to her parental home.

It is also the conceded position of fact that a petition under the provisions of Hindu Marriage Act seeking dissolution of marriage had been instituted by Kiranvir Kaur (petitioner No.4) on 01.06.2013. On the other hand, complainant/husband had filed a petition under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights.

The facts noticed herein above are a clear pointer towards a run away marriage having gone wrong. Under such circumstances, the allegations contained in the complaint as regards all the petitioners/accused having come to the house of the complainant and having abused him with regard to his caste and the same being ill-motivated cannot be discounted.

This Court finds considerable merit in the submissions raised by the counsel for the petitioners that the complaint lodged by the husband is a mere counter blast to the divorce proceedings initiated at the hands of the wife.

This Court while issuing notice of motion on 03.11.2014 had directed the petitioners to surrender before the summoning Court and upon which they were released on interim bail subject to the satisfaction of the summoning Court. Concededly, the petitioners have since surrendered before the trial Court and have been released on interim bail and are facing trial.

In view of the peculiar facts and circumstances noticed herein above, this court is of the considered view that the petitioners are entitled to the concession of anticipatory bail.

Petition is allowed. Order dated 03.11.2014 passed by this

Court while issuing notice of motion is made absolute.

It is clarified that the observations contained in this order are confined only as regards the prayer raised by the petitioners seeking anticipatory bail and would have no bearing on the merits of the case.

Disposed of.

14.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**