

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43525 of 2014 (O&M).
Decided on:-August 17, 2015.

Bhagwan Singh and anotherPetitioners.

Versus

The State of Punjab.Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment? Yes
2. To be referred to reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. T.S. Chauhan and Mr. Satnam Chauhan, Advocates
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Ranjit S. Dhiman, Advocate
for the complainant.

HARI PAL VERMA, J.

Petitioners Bhagwan Singh, aged 72 years and Neelam, aged 67 years, have approached this Court by filing the instant petition under Section 438 Cr.PC for grant of anticipatory bail in case FIR No.95 dated 30.7.2014 under Sections 406/498-A IPC, registered at Police Station, Phase XI, SAS Nagar, Mohali (Annexure P-4).

Briefly stated, the facts of the case are that complainant Joginder Singh Sabharwal, who is a permanent resident of Canada had

lodged the aforesaid FIR with the police to the effect that the marriage of his daughter Daljit Kaur was performed with Desinder Preet Singh son of the petitioners on 03.12.2007 at Patiala. At the time of marriage, gold ornaments were presented and after the marriage, Daljit Kaur had gone to Canada, but came back to India in the year 2008 as her sister-in-law Amandeep Kaur had given birth to a son. At that time, expensive gifts were brought by Daljit Kaur for her in-laws family. After staying for a month or so, she had gone back to Canada. However, when the complainant asked his daughter as to why she was not sending the documents for immigration, she disclosed that she was being harassed and maltreated by her in-laws on account of insufficient dowry, including the demand of a car. She further stated that her husband used to give beatings to her at the instance of his parents. Daljit Kaur applied for immigration documents in April, 2010 and came back to India in December, 2010. But after staying for some time, she again went back to Canada. In April, 2011, her husband was granted VISA and thereafter, the behaviour of her in-laws became worse and they rather started harassing and maltreating her. On this account, Daljit Kaur withdrew the sponsorship of her husband from Canada on 24.5.2011 and informed her husband about it on 25.5.2011 on the telephone.

This Court vide order dated December 19, 2014 had granted interim bail to the petitioners subject to their joining the investigation. In pursuance to the aforesaid order, the petitioners had joined the investigation. However, vide order dated February 04, 2015, the matter was referred to the

Mediation and Conciliation Centre of this Court for some amicable settlement. The Mediation and Conciliation Centre vide its report dated 30.4.2015 had reported that despite best efforts, the present case has failed to achieve any fruitful results.

Learned counsel for the petitioner contends that the petitioners are old aged persons and the allegations of demand of dowry have been alleged after about seven years of the marriage, which is blatant abuse of beneficiary provisions of Sections 406/498-A IPC. He further submits that it was on the basis of some advertisement in the newspaper in response to which, the son of the petitioners had contacted the daughter of the complainant and their marriage was solemnized on 3.12.2007. It was a simple marriage without any demand or acceptance of dowry and all expenses were incurred by the petitioners including costly ornaments and gifts etc. Daljit Kaur had promised to take Desinder Preet Singh to Canada after the marriage but her promise proved to be false.

Learned counsel for the petitioners further contends that it is the petitioners who are the victims of the circumstances at the hands of the complainant and his daughter, as they have committed fraud upon the petitioners. The FIR No.106 dated 25.5.2013 under Sections 406/420/120-B IPC was registered at Police Station Civil Lines, Patiala by Desinder Preet Singh against the complainant and his daughter Daljit Kaur and in retaliation thereof, the complainant has got the present FIR registered. He further submits that no offence under Sections 406/498-A IPC is made out against

the petitioners particularly when they have not committed any maltreatment with Daljit Kaur and no dowry article or Streedhan has been misappropriated by the petitioners as alleged. He further states that the petitioners have already joined the investigation.

Learned counsel for the petitioners has also relied upon a judgment of this Court in ***Bhupinder Singh etc. Versus State of Punjab 2014(2) RCR (Criminal) 109*** to contend that the petitioners being parents-in-law of the complainant are entitled to be admitted on bail.

On the other hand, learned counsel for the complainant submits that the petitioners have demanded dowry and they have been entrusted with property which is clear from the photographs at Annexure A-4 (colly) as well as the list attached of gold jewellery and all these articles are with the petitioners.

I have heard learned counsel for the parties.

Considering the fact that the petitioners are old parents-in-law and the fact that the allegations of dowry demand had been levelled after about seven years of the marriage, the petitioners deserve to be extended with the concession of anticipatory bail.

Moreover, it is relevant to mention here that in such like cases, the husband remains the main accused. However, in the present case, the husband i.e. Desinder Preet Singh has already been granted regular bail by the Chief Judicial Magistrate, Mohali vide order dated 25.11.2014 (Annexure P-5).

In view of the above, the instant petition is allowed and the interim bail granted by this Court to the petitioners vide order dated 19.12.2014 is made absolute.

However, the petitioners shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

August 17, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE