

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-44068 of 2014 (O&M)

Date of Decision: July 28, 2015.

Kamlesh Rani @ Kamlesh Sharma and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Ghuman, Advocate
for the petitioner (s).

Mr. P.S. Ghuman, Addl.A.G., Punjab.

Mr. Amandeep Sharma, Advocate for
Mr. P.S. Khurana, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.266 dated 18.09.2014 registered for the offences punishable under Sections 498-A and 406 of Indian Penal Code, at Police Station City Ferozepur, District Ferozepur.

Heard.

Learned counsel for the petitioners submits that the petitioners are old aged parents of the husband of complainant. There are

temperamental differences between the complainant and her husband which had led to matrimonial discord. The matter was sent to the Mediation and Conciliation Centre of this Court and despite best efforts by the Mediator, the same could not be resolved. The petitioners have, however, joined the investigation. The recovery, if any, is to be made from the husband of complainant and not from the petitioners.

Learned State counsel submits that there are specific allegations against the petitioners. Though they have joined the investigation, no recovery of dowry articles has been effected so far. The benefit of interim bail was allowed on the undertaking that there is possibility of settlement, which has failed.

As per the allegations in the FIR, the complainant was maltreated and was not provided due medical care when she was pregnant which ultimately resulted in death of her child in the womb. It is also submitted that petitioner after maltreatment was turned out of her matrimonial home in May, 2012.

The main allegation levelled in this case are against husband. The petitioners have joined the investigation. So far as the allegations of non-providing the medical care when the complainant was pregnant are concerned, the same have not been corroborated by any medical evidence collected during the investigation so far.

Without expressing any opinion on the merits of the case and keeping in view the fact that petitioners are old aged parents of husband

of complainant, this petition is allowed and the order dated 23.12.2014 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

July 28, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE