

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-6394-2015
Date of decision:08.05.2015**

Mehnga Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.K.S.Dhaliwal, Advocate for the petitioners.

Mr. K.D.Sachdeva, Addl. A.G., Punjab.

Mr.F.S.Virk, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioners seek pre-arrest bail in FIR No.161 dated 15.11.2014 registered under Sections 406 and 498-A of the Indian Penal Code at Police Station Women Cell, Patiala.

Notice of motion was issued and interim protection was granted to the petitioners.

Learned counsel for the petitioners places heavy reliance on the agreement in the form of affidavit (Annexure P-1), to contend that each and every dowry article had been returned by the petitioners at the time of compromise and that too before the Panchayat. He points out to the averments taken in para 2 of the affidavit that the complainant-wife had received all the dowry articles in the presence of the Panchayat. In this view of the matter, petitioners are entitled for anticipatory bail. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that although the parties made an effort to arrive at compromise vide affidavit (Annexure P-1) and it was so written in paras thereof that the dowry articles had been returned by the accused persons and received by the complainant party, yet as a matter of fact, only two dowry articles were returned, i.e. motorcycle and LED. All other dowry articles were yet to be returned and the complainant party put their signatures believing the word given on behalf of the accused-petitioners that all the dowry articles would be returned. He further submits that since the petitioners themselves have backed out from the compromise, they are not entitled for anticipatory bail.

Similarly, while endorsing the arguments raised by the learned counsel for the State, learned counsel for the complainant submits that whatever articles were returned by the petitioners have been accepted to have been received and these were only two articles namely motorcycle and LED. He further submits that in fact the petitioners are trying to misuse the process of law, while trying to back out from the compromise (Annexure P-1). He also submits that the complainant party is still adhering to the terms and conditions of compromise but it is only the petitioners, who are not honouring their word. He also prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the peculiar facts and circumstances of the case, petitioners have not been found entitled for concession of pre-arrest bail. It is so said,

because the petitioners are trying to play smart with the complainant, investigating agency as well as with the Court. Learned counsel for the complainant has been found justified to say that the petitioners are trying to misuse the process of law. On the last date of hearing, i.e. 21.4.2015, it was made clear to the petitioners that they must cooperate with the investigating agency, however, they did not do so.

Even now, learned counsel for the petitioners is not ready to give any assurance to the Court that the petitioners are ready to return remaining dowry articles. Having said that, this Court feels no hesitation to conclude that the petitioners are not ready even to show their bonafide. The allegations against the petitioners are direct and serious. In such a situation, custodial interrogation of the petitioners would be the compulsive necessity of the investigating agency so as to conduct an effective investigation. No case for interference has been made out.

Dismissed.

08.05.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE