

CRM-M-7379-2014

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

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Date of Decision: 26.03.2015

Gulshan Khurana

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. A.S.Gill, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, DAG, Punjab.

Mr. K.B.Raheja, Advocate,
for the complainant.

Paramjeet Singh, J.(Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No.110 dated 29.07.2013, registered at Police Station Cantt. Ferozepur, District Ferozepur, under Sections 406 and 498-A of the Indian Penal Code.

When this case came up for hearing on 10.03.2015, the petitioner, who is mother-in-law of the complainant offered to provide reasonable accommodation where the complainant along with her

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husband could stay. Inadvertently, in that order, name of husband of complainant was wrongly mentioned as Gulshan Khurana, rather it should have been Ajay Khurana. On that day, ASI Balwant Singh was also directed to visit the proposed rented accommodation and see whether it is suitable for residence of the complainant with her husband.

The investigating officer present in Court states that Ajay Khurana son of the petitioner has refused to arrange rented accommodation.

In view of above, learned counsel for the petitioner wants to argue the petition on merit.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that there are no specific allegations against the petitioner, who happens to be mother-in-law of the complainant. Earlier enquiry was held by ASI Makhan Singh and it was found that there was no demand of dowry etc. Learned counsel further contends that recovery can only be effected from the husband, who has already been arrested and released on regular bail.

Per contra, learned State counsel after seeking instructions from ASI Balwant Singh states that recovery is yet to be effected and the petitioner is not cooperating in the investigation.

Learned counsel for the complainant contends that there are serious allegations of entrustment of one set of gold consisting of one

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necklace, ear rings weighing about 60 grams, six bangles weighing about 60 grams, one kitty set weighing about 25 grams consisting of one chain, topes, ring, one pair of silver anklet weighing 60 grams, ₹ 21,000/- in cash and utensils to the petitioner. Learned counsel further contends that there was a mis-statement before this Court and the petitioner has not come to this Court with clean hands. On 03.03.2014, at the time of notice of motion, learned counsel for the petitioner contended that marriage between the son of petitioner and complainant stood annulled vide *ex parte judgment* and decree dated 06.09.2012 and FIR has been registered on 29.07.2013. In fact, vide judgment dated 16.07.2013, a Division Bench of this Court had already set aside the *ex parte* judgment and decree dated 06.09.2012. Learned counsel for the complainant has produced a photocopy of the copy of the judgment dated 16.07.2013 which is taken on record.

I have considered the rival contentions of learned counsel for the parties.

Learned counsel for the petitioner has not disputed the passing of judgment dated 16.07.2013 passed by the Division Bench of this Court vide which *ex parte* decree of divorce has been set aside.

The petitioner came up before this Court on 03.03.2014 and interim relief was granted on the basis of contention of the petitioner that marriage stood annulled and the FIR has been registered subsequently on the basis of application submitted by the complainant under Section 156

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(3) Cr.P.C. This is factually a wrong statement in view of the fact stated above. The petitioner has not come to the Court with clean hands, firstly she has made wrong statement before the Court that marriage of son of petitioner and complainant stood annulled. Secondly, the petitioner undertook that reasonable rented accommodation shall be provided to the complainant for living together with her husband, but as per the information supplied by ASI Balwant Singh, the petitioner and her family members are not ready to provide rented accommodation to the complainant. A person, who makes wrong statement before the Court, is not entitled to indulgence of this Court. The conduct of the petitioner's side is required to be deprecated.

In view of above, no ground for anticipatory bail is made out to the petitioner.

Dismissed.

26.03.2015
parveen kumar

(Paramjeet Singh)
Judge