

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

CRM-M-18802-2016

Date of decision: August 27, 2016

Prem Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mrs. Baljit Mann, Advocate
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab
for the respondent-State.

Mr. Rajender Helwa, Advocate
for the complainant.

JASPAL SINGH, J.(ORAL)

This is a petition under Section 438 of Code of Criminal Procedure preferred by the petitioners, feeling apprehension of their arrest in case FIR No.5 dated 28.04.2016, under Sections 406, 498-A IPC, registered at Police Station NRI Ludhiana City, Ludhiana.

At the time of issuance of notice of motion by this Court on May 27, 2016, the following order was passed:-

“Learned counsel for the petitioners submits that the present FIR has been registered just a counter-blast of complaints dated 07.10.2014 and 23.10.2015 made by petitioner No.1 resulting in FIR No.4 dated 06.01.2016. The present FIR has been registered just to put a pressure upon the petitioner. Learned counsel also submits that son of the petitioner is in abroad and the complainant is interested in marriage with one Palwinder Singh, who is also an accused in the FIR

registered against the complainant. No demand of dowry was ever made and no harassment was caused to the complainant. Petitioners are ready to join investigation and nothing is to be recovered from them and in case, any recovery is there, they are ready to return the same.

Notice of motion for 27.08.2016.

Meanwhile, the petitioners are directed to join investigation and in the event of arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer. They shall join the investigation as and when required by the Arresting Officer. They shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

(i)that the petitioners shall make themselves available for interrogation before arresting officer 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 case 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.”.

Learned State counsel has very fairly conceded that petitioner has joined the investigation in compliance of the order dated May 27, 2016. Further, it has been submitted by learned State counsel that a sum of Rs.6,00,000/- was paid i.e. Rs.4,00,000/- to the father and Rs.2,00,000/- to the boy and other dowry articles at the time of marriage which are still to be recovered. All these articles can be termed to be in the care and custody of the husband and cannot be presumed to be in the possession of the petitioners.

In the light of the above discussion, order dated May 27, 2016, is made absolute, subject to the conditions, as envisaged under section 438(2) Cr.P.C.

August 27, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No