

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-18084 of 2015 (O&M)
Date of Decision: 28.01.2016

Gurwinder Singh & others

--Petitioners

Versus

Amarjit Kaur

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. H.P.S. Ghuman, Advocate for the petitioners.

Mr. A.S. Khinda, Advocate for the respondent.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 482 Cr.P.C read with section 438 Cr.P.C seeking concession of pre-arrest bail to the petitioners in complaint no.5 of 2015 filed under section 3 of S.C & S.T (Prevention of Atrocities) Act and sections 323, 506, 34 I.P.C pending in the court of Ms. Damandeep Kaur Heera, JMIC, Phagwara.

Learned counsel for the parties have been heard.

Complainant in the present case is Amarjeet Kaur i.e. Mother-in-law of present petitioner no.3 namely Kiranvir Kaur. Petitioners no.1 and 2 are the father and brother respectively of petitioner no.3.

During the course of arguments it has gone uncontroverted that Kiranvir Kaur/petitioner no.3 had entered into matrimony with son of the complainant namely Parminder Singh and it was a run away marriage. Petitioner no.3 and son of the complainant had even filed an application before the Human Rights Commission at Chandigarh seeking police protection as they had apprehended threat to their life and liberty from the family members on account of having got married of their own accord.

It is also the conceded position of fact that a petition under the provisions of the Hindu Marriage Act seeking dissolution of marriage had been instituted by petitioner no.3 on 1.6.2013 at Mohali. On the other hand, Parminder Singh i.e. son of the complainant had filed a petition under section 9 of the Hindu Marriage Act seeking restitution of conjugal rights.

The facts noticed herein above are a clear pointer towards a run away marriage having gone wrong.

Earlier in point of time a complaint had been filed at the hands of son of the complainant i.e. Parminder Singh under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and having been summoned, the petitioners herein had been constrained to approach this Court by filing CRM No. M-37228 of 2014 and in which concession of anticipatory bail had been granted vide order dated 14.7.2015.

Instant complaint is now at the hands of the mother-in-law of Kiranvir Kaur/petitioner no.3.

Under such circumstances, the allegations contained in the complaint as regards the petitioners being ill motivated and false, cannot be discounted.

This Court also finds considerable merit in the submission raised by counsel for the petitioner that the complaint lodged by Amarjeet Kaur is a mere counter blast to the divorce proceedings initiated at the hands of her daughter-in-law as also coupled with the fact that in the previous complaint lodged by the husband namely Parminder Singh, concession of anticipatory bail had already been granted to the present petitioners.

Court has been apprised that in pursuance to the order dated 28.5.2015 the petitioners have already put in appearance before the

summoning court and have been released on interim bail subject to furnishing requisite bail bonds/surety bonds.

Under such circumstances, present petition is allowed. Order dated 28.5.2015, passed by this Court is made absolute.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.01.2016

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