

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. No. M-12003 of 2016

Date of Decision : July 25,2017

Nirmal Kaur and others Petitioners

VERSUS

State of Punjab and another Respondents

Crl. Misc. No. M-10924 of 2016

Ranjit KaurPetitioner

VERSUS

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of 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?

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Present: Mr. Mandeep Singh Sodhi, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. R.S.Pandher, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

CRM-9547 of 2017 and CRM-17502 of 2017

Documents Annexure R-2/1 (Colly) to R-2/6 (Colly) as well as

Annexure P-9 (Colly) are taken on record subject to just exceptions.

Applications are disposed of.

CRM-M-12003-2016 and CRM-M-10924-2016

This order shall dispose of CRM-M-12003-2016 as well as CRM-M-10924-2016. For the sake of convenience, facts have been extracted from CRM-M-12003-2016.

The petitioners in both the cases pray for the concession of anticipatory bail in FIR No. 48 dated 20.2.2016 under Sections 406/498-A IPC registered at Police Station Fatehgarh Sahib.

Petitioner-Nirmal Kaur is the mother-in-law of the complainant. Petitioners Dalbir Singh and Jasvir Singh are the brothers-in-law of the complainant and petitioner-Ranjit Kaur is the sister-in-law (Nanad) of the complainant. As per the allegations in the FIR the complainant's husband unfortunately passed away on 16.03.2012. The complainant states that she was living in her in-laws house with her three children. The house in question is stated to be in the name of her husband. However, her in-laws started harassing her after the death of her husband and have forced her to leave the said house. She thereafter was forced to live at her parental home. On the basis of the said application, the above said FIR was registered against the petitioners.

Learned counsel for the petitioners submits that the marriage of the complainant was solemnized in the year 1995. There are three children out of this wedlock. No allegation regarding demand of dowry etc. or harassment was ever levelled in all these years. Complainant's husband passed away on 16.03.2012. A family partition had taken place in the year 2001 itself. Reference is made to the document dated 06.02.2000 (Annexure P5) wherein the complainant's husband has admitted having received a share of ₹1,10,000/- from Jasvir Singh. It is further stated by the

complainant's husband that he received the entire articles coming to his share. Reference is also made to the document Annexure P6, to say that none of the articles of the complainant are with the petitioners. It is further submitted that a sum of ₹ 2,50,000/- was transferred to the complainant's account in May 2015. Reference is made to a document at Annexure P7. Learned counsel further refers to the General Power of Attorney executed by the complainant's husband in respect to the plot situated at village Pooth Kalan, Delhi Abadi known as Krishan Vihar, Delhi. An agreement to sell the said property was executed by the complainant's husband on 15.07.2009. All these documents are attached as Annexure P9 (Colly). It is submitted that the address given in the said documents reflects that the complainant and her husband were living separately. The Death Certificate of the complainant's husband Annexure P9 (Colly) also reflects this fact. The dispute, it is urged is primarily related to property and false allegations have been raised in the FIR to pressurize the petitioners.

In respect to the petitioner-Ranjit Kaur i.e.the sister-in-law of the complainant, it is submitted that she is a widow and is living separately with her in-laws. She has needlessly been roped in. All the petitioners it is submitted have joined investigation. Therefore, these petitions be allowed.

Learned counsel for respondent No.2 while opposing these petitions refers to the documents attached as Annexures R2/1(Colly) to R2/6 (Colly) to submit that the complainant was not residing separately but was living with her in-laws family.

A perusal of these documents reveals that all of them are subsequent to the death of the complainant's husband. Learned counsel for respondent No.2 on a pointed query submits that the complainant and her

husband were undoubtedly living separately earlier but they started residing with the in-laws family a little while before the death of the complainant's husband. However, there is no such document available on record prior to the death of the husband of the complainant to indicate the same. Be that as it may, these are matters to be decided by the learned trial Court.

Learned counsel for the State, on instructions from ASI Jasbir Singh, affirms and verifies that the petitioners have joined investigation pursuant to interim orders passed by this Court. They are not required for custodial interrogation. No recovery is to be effected from them.

There is no allegation that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

Keeping in view the facts and circumstances of the case but without expressing any opinion /on the merits of the case, it is considered just and expedient to allow these petitions. Consequently, order dated 07.04.2016 in CRM-M-12003-2016 and order dated 31.03.2016 in CRM-M-10924-2016 are made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

25.07.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No