

Criminal Misc. No. M- 13448 of 2017 (O&M)

Date of decision : September 13, 2017

Amandeep Kaur

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Pritpal Singh Miglani, Advocate
for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

Mr. Rajesh Goyal, Advocate for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 37 dated 12.03.2017 registered under Sections 363, 366A IPC (Section 120B IPC added later on) at Police Station Baghapurana, District Moga.

It is submitted that the petitioner is the sister-in-law (Bhabi) of Resham Singh with whom the complainant's daughter is alleged to have eloped. The complainant's daughter and the petitioner's brother-in-law Resham Singh have in fact solemnised marriage on 27.04.2017. She is living with him in her matrimonial home out of her own free will and volition.

It is to be noted that at the time of filing of this petition, the victim, in this case, had not been recovered. Specific directions were passed by this Court to recover the victim and produce her before this Court. The victim was thereafter produced before this Court on 01.06.2017 and the following order was passed:-

“ The alleged victim is present in Court. She is duly

identified by SI Jangjit Singh, Police Station Baghapurana, District Moga. It is stated by her that her date of birth is 09.05.2000. She solemnized marriage with Resham Singh, one of the accused in FIR No. 37 dated 12.03.2017 on 27.04.2017 at Ludhiana. She is living with him after their marriage out of her own free will and volition. It is further stated by her that she wishes to reside with her husband and in-laws and does not wish to reside with her parents.

Sh. Baldev Singh and Smt. Rani Kaur, the father and mother, respectively of the victim, duly identified by their counsel as well as SI Jangjit Singh are also present in Court. They were afforded an opportunity to interact with the victim. The parents are, however, not reconciled to the marriage solemnized by the victim. The victim has reiterated her stand as above.

Learned counsel for the parties seek an adjournment.

Adjourned to 14.07.2017. The petitioner as well as the authorities are directed to ensure the presence of the victim in Court on the next date of hearing.”

The victim on the next date of hearing i.e. 14.07.2017 again reiterated her wish to reside with her husband and in-laws and not with her parents. It is noted that her parents, who were present in Court, were not reconciled to the step taken by her. The matter was adjourned for arguments.

The victim is present in Court today as well. She reaffirms and reiterates her earlier stand.

Learned counsel for the complainant fairly states that Criminal Writ Petition No. 846 of 2017 preferred by the complainant seeking a writ of habeas corpus for release of his daughter alleged to be illegally detained by Resham Singh and others has been dismissed by this Court on

the Hindu Marriage Act, 1955 is not a nullity. Liberty was afforded to the complainant to avail his remedies under the Hindu Minority and Guardianship Act, if so advised.

Learned counsel for the State, on instructions from ASI Jaspal Singh, affirms that the petitioner has joined investigation and her custodial interrogation in this case was not required.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that she is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above this petition is allowed. Consequently, the petitioner, in the event of her arrest, shall be released on bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C. Needless to say the petitioner shall join investigation as and when required.

September 13, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No