

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No. M- 1448 of 2016 (O&M)
Date of Decision : February 20,2017

Inderjeet Singh Petitioner

VERSUS

State of Haryana..... Respondent

AND

Criminal Misc. No. M-5118 of 2016

Jasbir Singh Petitioner

VERSUS

State of Haryana Respoondent

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: Ms. Sukhpreet Kaur, Advocate
for the petitioners.

Mr. Anmol Malik, AAG, Haryana,
for the State/respondent.

Ms. Mannat Anand, Advocate
for the complainant.

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LISA GILL, J. (Oral)

This order shall dispose of CRM-M-1448-2016 and CRM-M-5118-2016 as both these petitions arise out of the same FIR and a common question of law and fact arise in both these petitions.

Prayer in these petitions is for grant of anticipatory bail to the petitioners-Inderjeet Singh (Father-in-law of the complainant) in CRM-M-1448-2016 and Jasbir Singh (Brother-in-law (Devar) of the complainant) in CRM-M-5118-2016 in FIR No. 0243 dated 12.08.2015 under Sections 498-A, 406, 376, 506 IPC registered at Police Station Mahesh Nagar District Ambala.

The aforesaid FIR was registered on the basis of a complaint submitted by Smt. Ramandeep Kaur. It is mentioned in the said complaint that marriage of the complainant took place with Harjinder Singh son of Inderjeet Singh on 03.03.2013. Sufficient dowry was given at the time of marriage. However, the in-laws of the complainant were not happy with the dowry given and they demanded another sum of ₹10 lacs. The complainant was subjected to physical abuse. The complainant's husband made an attempt to kill her on instigation of the present petitioners. Harjinder Singh, husband of the complainant, went abroad in April 2013 but the unlawful demands continued. It was threatened that in case their demands were not met, the complainant would be done to death and the petitioners would not be harmed as the petitioner Jasbir Singh is a police official in the office of Deputy Commissioner of Police, Ambala (presently posted at Kurukshetra). The petitioner Jasbir Singh is attributed with obscene activities with the complainant. The complainant's husband returned to India in January 2014. All facts were brought to his notice but instead of providing any succour, mal-treatment of the complainant continued. The complainant's husband again left the country on March 2014. It is alleged that the complainant was beaten on 10.7.2014 by the petitioners on account of unlawful demands and was thrown out of her matrimonial home. A complaint was moved against

the petitioners to SHO, Police Station Naraingarh but due to the influence exercised by the petitioner-Jasbir Singh no action was taken by the police. The matter was forcibly got settled in the end of August 2014 with an assurance that the complainant would be sent back to her matrimonial home in November 2014 when her husband returns. The situation was accepted by the complainant to save her matrimonial home. None, however, came present at the Police Station on 20.11.2014 as per the terms and conditions of the said agreement. After repeated requests, the petitioners Inderjeet Singh and Jasbir Singh came to the complainant's parental home on 28.11.2014. They apologised in the presence of her family members and others and the complainant was taken back to her matrimonial home. It is alleged that petitioner Jasbir Singh violated the complainant on 3.2.2015 when she was alone in the matrimonial home under the threat of death. The complainant was not allowed to step outside the matrimonial home and she was kept confined. Her person was violated by the petitioner Inderjeet Singh as well on 25.2.2015 and 28.2.2015 when nobody was present at home. It is further mentioned that the entire story was revealed to the mother-in-law and sister-in-law of the complainant but none came to her aid. It is mentioned in the FIR that due to the influence exercised by the petitioner-Jasbir Singh no one was supporting the complainant. She managed to run away from her matrimonial home with great difficulty on 22.3.2015 and the complaint was thereafter lodged.

The mother-in-law and sister-in-law of the complainant have been granted the concession of anticipatory bail.

While issuing notice of motion on 18.1.2016 in CRM-M-1448-2016, the contention of the petitioner that the complainant had returned to

her parental home on 9.7.2014 and her husband is abroad was noted. Interim relief was afforded to the petitioner-Inderjeet Singh. In the petition (CRM-M-5118-2016) filed by Jasbir Singh (brother-in-law of the complainant) notice of motion was issued on 12.2.2016. Interim protection was afforded and both the petitions were directed to be heard together. It is relevant to note that this matter was adjourned to await the arrival of the complainant's husband. The matter was referred to the Mediation & Conciliation Centre of this Court so that the entire dispute between the parties could be settled amicably. It was mentioned by the learned counsel for the petitioners on 8.4.2016 that the complainant's husband could not come back to India before September 2016. The matter was adjourned on her request to 4.11.2016. However, this Court was informed that the complainant's husband had not returned. The matter was yet again adjourned. The matter was no different when it was taken up for hearing on 13.1.2017. It is to be noted that mediation between the parties had failed. Both the cases were yet again adjourned on request of learned counsel for the petitioners.

Learned counsel for the petitioners submits that though the contract of the complainant's husband came to an end in September 2016 but he is unable to return to India as his passport is in custody of his employer. There is however no basis before this Court to accept such a bald contention in the absence of even a whisper of any action taken against unlawful withholding of the passport since September 2016. No plausible reason is forthcoming. It is apparent that the petitioners have been enjoying the concession of interim bail on the pretext of an amicable settlement of the matrimonial dispute between the complainant and her husband but clearly there does not appear to be any intention to resolve the matter in any

manner. Furthermore there are clear cut and specific allegations raised by the complainant on the basis of which Section 376 IPC is reflected in FIR No.0243 dated 12.8.2015.

Keeping in view the peculiar facts and circumstances of the case as well as the serious allegations levelled against the petitioners in this case, I do not find any ground to grant anticipatory bail to the petitioners in this case. Both the petitions are accordingly dismissed.

However, any observations made here-in-above shall not be construed to be a reflection on merits of the case and shall have no bearing on the trial.

20.2.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No