

**N THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Decided on: 10.05.2017

1. CRM-M No.15800 of 2016

Balwinder Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

2. CRM-M No.16295 of 2016

Malkiat Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

3. CRM-M No.10398 of 2017

Lakhwinder Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. S.P.S. Sidhu, Advocate
for the petitioners.

Mr. Ankur Jain, AAG, Punjab (in all the petitions)

Respondent No.2/Complainant in person
with Mr. Gursimran Singh, Advocate (in all the petitions)

REKHA MITTAL, J. (Oral)

This order will dispose of CRM-M Nos.15800 and 16295 of 2016 and 10398 of 2017 as these have emerged out of FIR No.10 dated 02.02.2016 under Sections 406 and 498-A of the Indian Penal Code (in short 'IPC') registered at Police Station Women Cell, Ludhiana, District Ludhiana.

Counsel for the petitioners has submitted that marriage of Lakhwinder Singh (petitioner in CRM-M No.10398 of 2017) was performed with Jasbir Kaur – complainant in November, 2007. Out of the wedlock, a child (female) was born on 24.09.2010. The instant FIR has been lodged in February, 2016 on the basis of complaint made in July, 2015. The complainant has raised general and vague allegations against her husband and his remaining family members with regard to demand of dowry and she being subject to beatings but without disclosing any date, month and year of the alleged demand or harassment in connection thereof. It is further submitted that as a matter of fact, husband of the complainant was staying away from India to earn livelihood for his family though he visited India in between and has now finally come back to India to settle the dispute.

Another submission made by counsel is that the husband is ready to rehabilitate the complainant along with their child in a separate accommodation but the complainant is not agreeable. There are no specific allegations with regard to entrustment of articles of Istridhan but the petitioners are ready to compensate the complainant on payment of reasonable amount towards her alleged claim of Istridhan though the petitioners are not in possession of any of the articles of Istridhan.

Counsel for the State of Punjab would submit that as per the list of articles of Istridhan, parents of the complainant gave gold jewellery weighing 251 gms. and during investigation only 21 gms. has been recovered and the remaining recovery is yet to be effected.

Counsel for the complainant would urge that husband of the complainant never bothered about her welfare and she was virtually

abandoned and left at the mercy of others. It is vehemently argued that custodial interrogation of the petitioners is required for effecting recovery of remaining Istridhan.

I have heard counsel for the parties, perused the paperbook and the police records.

As per the allegations raised in the FIR, parental family of the complainant spent about Rs.10,00,000/- at the time of marriage including expenses for entertaining the barat, etc. There is no specific allegation in the FIR with regard to entrustment of articles of Istridhan. Similarly, there is no specific allegation with regard to harassment in connection with demand of dowry though it has been alleged that she was given beatings.

Keeping in view the rival submissions made by counsel for the parties, petitions are disposed of.

Interim bail granted to the petitioners in CRM-M Nos.15800 and 16295 of 2016 is made absolute subject to following conditions:-

Lakhwinder Singh – petitioner in CRM-M No.10398 of 2017 is directed to join investigation within a period of 10 days and he shall be released on bail subject to the following conditions:-

1. *They shall make themselves available for interrogation by a police officer as and when required;*
2. *They 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 them from disclosing such facts to the Court or to any police officer;*
and

3. *They shall not leave India without previous permission of the Court.*
4. *They shall prepare a demand draft of Rs.1,50,000/- in the name of the complainant – Jasbir Kaur to compensate qua her claim of jewellery. The demand draft shall be deposited with the Investigating Officer at the time of joining of investigation by Lakhwinder Singh and the same shall be released in favour of the complainant subject to outcome of the litigation.*

Failure of the petitioners to deposit an amount of Rs.1,50,000/- would entail dismissal of the petitions.

10.05.2017
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No