

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-22536 of 2016(O&M)

Date of decision :07.12.2017

Rattan Lal Attri

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Vikas Cuccria, Advocate
for the complainant.

LISA GILL,J(Oral)

Petitioner seeks the concession of anticipatory bail in FIR No.53 dated 22.05.2015, under Section 406, 498-A IPC, registered at Police Station Kahnwan, District Pathankot.

Petitioner is the father-in-law of the complainant. It is submitted that initially at the time of registration of FIR on 22.05.2015, the present petitioner was not proceeded against. Action was initiated against him in May, 2016, when the complainant moved subsequent applications for taking action against him. It is vehemently argued that the petitioner himself is now residing at the Old Age Home run by the Red Cross at Jalandhar. It is submitted that there was matrimonial discord between the complainant and her husband i.e. petitioner's son, due to which the FIR in question was registered. The petitioner has no role to play in the same.

Learned counsel for the petitioner while referring to the written statement filed by the complainant in a petition under Section 13 of the Hindu Marriage Act, 1955, filed by the petitioner's son, submits that the only allegation raised against the present petitioner is that one gold ring had been given to him at the time of marriage of the complainant. The said gold ring has since been recovered. Moreover, the complainant, it is submitted, has broken into the house belonging to the petitioner's daughter and is illegally residing in the said house. The complainant is stated to be involved in two other criminal matters registered under Section 364 IPC. Moreover, the petitioner has joined investigation and undertakes to face proceedings, if concession of anticipatory bail is affirmed.

Learned counsel for the complainant while opposing this application submits that allegation of breaking into the house of the petitioner's daughter are incorrect. Learned counsel for the complainant submits that though the complainant is doubtlessly living in the house belonging to the petitioner's daughter, she had been residing in the said house alongwith her husband after her marriage and she is continuing to do so. The petitioner's daughter has withdrawn the civil suit filed by her for possession of the said house. Moreover, the police authorities after investigation have moved for cancellation of the cases registered under Section 364 IPC against the complainant.

Status report dated 06.11.2017 by way of affidavit of Harmandeep Singh Hans, IPS, Assistant Superintendent of Police (Rural), Pathankot, filed in Court today is taken on record subject to just

exceptions. In respect to the application moved by the complainant regarding breaking into the residence of the complainant etc. it is stated that both the parties have been moving applications against each other to wield pressure.

Learned counsel for the State, on instructions from ASI Hem Raj, verifies that the petitioner is presently lodged at the Old Age Home, run by the Red Cross at Jalandhar. Learned counsel for the State further verifies that the petitioner has joined investigation.

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

Keeping in view the facts and circumstances as above, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 08.07.2016, is made absolute.

07.12.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No