

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

Criminal Misc. No.M- 25352 of 2017(O&M)

Date of Decision: September 13 , 2017.

Ravinder Kaur PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate
for the complainant.

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?

LISA GILL, J.

Petitioner who is the unmarried sister-in-law of the complainant seeks the concession of anticipatory bail in FIR No.76 dated 17.06.2017 under Sections 307/498A/406/323/34 IPC registered at Police Station Sadar Faridkot, District Faridkot.

It is contended that the petitioner has necessarily been involved in this case merely because of her relationship with the complainant's husband. Allegations qua the petitioner in the aforementioned FIR are patently false. The petitioner is, in fact, a student pursuing B.Sc. (Nursing) at Baba Banda Bahadur

College of Nursing, Faridkot. She has nothing to do with the matrimonial dispute between the complainant and her husband. There is no question of any demand of dowry by the present petitioner. It is further submitted that petition under Section 13 of the Hindu Marriage Act, 1955 (for short, the 'HMA') was filed by her brother i.e., complainant's husband on 16.05.2017 (Annexure P2) prior to the registration of the FIR in question on 17.06.2017. Moreover, the petitioner has joined investigation pursuant to interim order dated 24.07.2017. No recovery is to be effected from her. It is thus prayed that this petition be allowed.

Learned counsel for the complainant while opposing this petition submits that there are specific allegations against the petitioner. Moreover, petition under Section 13 HMA filed by the complainant's husband has been filed only with a view to create a defence. It is submitted that there is conversation between the petitioner's brother and the mediator of the marriage to reflect the same.

Be that as it may, it is not in dispute that the petitioner is indeed the unmarried sister-in-law of the complainant pursuing B.Sc. (Nursing) at Baba Banda Bahadur College of Nursing, Faridkot

Learned counsel for the State, on instructions from ASI Kulwinder Singh, informs that the petitioner has joined investigation pursuant to interim order dated 24.07.2017. However, certain gold articles, it is stated, are to be recovered from the petitioner.

It has been held by this Court in **Prit Pal Singh versus State of Punjab and another, 2014 (5) RCR (Criminal) 771** that the concession of anticipatory bail should not be denied merely on the ground of certain recoveries

to be effected.

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 as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 24.07.2017 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

September 13 , 2017.
'om'

(**LISA GILL**)
JUDGE

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