

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

**CRM-M-27051-2017
Date of decision: 04.08.2017**

Hardeep Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kulbhushan Raheja, Advocate,
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Inderjit Sharma, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 14.07.2017 passed by the learned Additional Sessions Judge affirming the order dated 05.07.2017, passed by the JMIC, Bathinda, whereby the application of the petitioner seeking permission to go abroad was dismissed.

In brief, the facts are that a case under Sections 498-A, 420 and 34 of the IPC was registered against the petitioner on the statement of the complainant. It was alleged that the petitioner was a match maker of a marriage between the complainant and one Harwinder Singh. The complainant alleged that she had been ill treated on account of demand of the dowry and turned out of her matrimonial home. The challan could only be presented against the petitioner herein as the other accused namely Harwinder Singh, Malkiat Singh and Manjeet Kaur had absconded to

America. During the proceedings, the petitioner herein, who was the match maker and had accepted a fee for arranging the match, moved an application to go abroad to look after her daughter who had given birth to a baby boy. This application was contested and an objection was raised that the petitioner would most likely flee the country and would not return. Learned JMIC, Bathinda by impugned order dated 05.07.2017, after hearing the parties, dismissed the application seeking permission to go abroad which order was affirmed by learned Additional Sessions Judge, Bathinda on 14.07.2017. Aggrieved against the dismissal of the said application, the instant petition has been filed.

Mr. Kulbhushan Raheja, learned counsel appearing on behalf of the petitioner, contends that the petitioner herein has a Visa to go Singapore and in case she had wanted to avoid the proceedings, she could have easily gone to Singapore without the permission of the Court. It is also contended that the daughter of the petitioner, namely Palwinder Kaur, is residing in Singapore and is unable to look after her child properly and the petitioner only wants to go Singapore for a limited period of three months. It is further contended that there is no other female member in the family to take care of her daughter.

Notice of this petition was issued and appearance has been put in on behalf of the complainant who vehemently opposes the grant of permission to the petitioner to travel to Singapore. It is contended that the petitioner herein was the match maker who arranged a match between the complainant and Harwinder Singh. She knew about the antecedents of his family and despite that she had played a fraud in getting the complainant married to Harwinder Singh who tortured the complainant for dowry. It is

further argued that Harwinder Singh and his family members have already absconded, resultantly, no challan against them could be presented.

Heard learned counsel for the parties.

Initially, it had been argued that the petitioner wanted to go abroad to visit the baby that was born. However, it transpires that the child was born in India itself. Therefore, the sole case as set out by the petitioner herein is that her daughter, who is the resident of Singapore and needs to work, needs her help in looking after the minor child that was born on 01.02.2017. Admittedly, the daughter of the petitioner gave birth to a child on 01.02.2017 here in India and as on date the baby is more than six months old. The plea that the daughter of the petitioner has to work and there would be no one to look after the child, is not reason enough to allow the petitioner to travel abroad. This Court can not lose sight of the fact that the petitioner herein was the match maker who arranged the match between the complainant and one Harwinder Singh, resident of America, who is now absconding. Harwinder Singh and his family were known to the petitioner and that is how the marriage was arranged and petitioner collected a fee for arranging the match.

In view of the above, this Court finds no infirmity in the impugned orders so passed.

Accordingly, the instant petition stands dismissed.

August 04, 2017

Ansari

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No