

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

CRM-M-35055 of 2015(O&M)

Date of decision : 30.10.2017

Pavitardeep Singh and another

..... Petitioner

Versus

State of Haryana

..... Respondent

AND

CRM-M-35514 of 2015 (O&M)

Jagatdeep Singh and another

.....Petitioners

Versus

Staet of Haryana

.....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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

Mr.Anmol Malik, AAG, Haryana.

Ms. Prabha Sharma, Advocate
for Mr. Kiran Bala Jain, Advocate
for the complainant.

LISA GILL,J(Oral)

This order shall dispose of CRM-M-35055 of 2015 as well
as CRM-M-35514 of 2015. For the sake of convenience, facts are

extracted from CRM-M-35055 of 2015

Petitioners in both the cases seek the concession of anticipatory bail in FIR No.05. Dated 04.09.2015, under Sections 406, 498-A, 506 IPC, registered at Police Station Women, Ambala, District Ambala.

Petitioners in CRM-M-35055 of 2015 are the husband and the mother-in-law of the complainant. Petitioners-Jagatdeep Singh and Gurpreet Kaur are the brother-in-law (Devar) and married sister-in-law (Nanad) of the complainant. As per the allegations in the FIR, marriage between the petitioner-Pavitardeep Singh and the complainant was solemnized on 17.04.2013. It was the second marriage of both the parties. A son was born out of this wedlock on 25.12.2013. The complainant, it is stated was subjected to harassment at the hands of her husband and other members of the -in-laws family on account of bringing less dowry and low quality articles. A demand for a plot in the name of the husband was raised by the mother-in-law. The complainant was also asked to bring more gold jewellery. It is further stated that the petitioner was initially not even allowed to talk to her parents. Specific details of various incidents have been narrated in the FIR. It is further stated that the in-laws of the complainant started demanding a car and a plot from the complainant's sister-in-law (Devrani) as well. She too was subjected to harassment and torture by them.

It is further stated in the FIR that the complainant was taken to her matrimonial home on 17.09.2014 by her father and brother for attending the marriage of her brother after taking permission from her in-

laws. The in-laws of the complainant including her husband attended the marriage on 25.09.2014 and returned therefrom without even talking to her. No attempt was made by them to take her back. It is further stated that on 20.05.2015, the complainant's parent-in-laws, brother-in-law and 3-4 other persons came in two cars. The complainant was slapped and kicked by them. The complainant's mother-in-law, who was earlier serving with the Homeguards, Delhi exhorted the others to teach the complainant a lesson for not obeying their orders. The complainant's husband, brother-in-law and others tried to nab the complainant who escaped from their clutches by seeking refuge in the house of a neighbour namely Sinder Kaur. A D.D.R in respect to the incident on 20.05.2014 was recorded. Consequently, the present FIR was registered.

It is informed by learned counsel for the complainant that the complainant's sister-in-law (Devrani) also filed a complaint in respect to the harassment meted out to her. The said matter has subsequently been compromised between the parties. The complainant's brother-in-law and his wife have parted ways after a full and final settlement arrived at between them.

It is to be noted that the present matter was also placed before the Mediation and Conciliation Centre of this Court. Mediation between the parties failed, but it was felt after interaction with the parties that there still remains a possibility of an amicable settlement of the dispute. The following order was passed on 11.05.2017:-

“Parties are present in Court today. They have expressed love and affection for the minor child-Harshdeep

and they want to secure the future of the child by giving share in the property as well. Petitioners and their family members are directed to visit Ambala to meet the child in a good and peaceful atmosphere after communicating with the mother of the child.

Adjourned to 02.08.2017.

A photocopy of this order be placed on the file of the other connected case.”

However, on the next date of hearing, the petitioners backtracked and submitted that they are not ready and willing to furnish any kind of security for the complainant and the minor child and consequently, the following order was passed on 02.08.2017:-

“It is to be noted that on 11.05.2017 it was recorded that the parties were present in Court. The petitioners expressed love and affection for the minor child and they wished to secure the future of the child by giving a share in the property as well. Petitioners and family members were directed to visit Ambala to meet the child in a good and peaceful atmosphere after communicating with the mother of the child.

It is stated that the petitioner and the family members visited Ambala four times. They met the child. No impediment was created by the complainant-wife.

However, a volte-face has been taken by the petitioners today while stating that they are ready to give a share in the property to the minor child only in case the custody of the child is given to them. It is stated by the petitioners, who are present in Court, that they are not ready and willing to furnish any kind of security for the complainant or the minor child.

List for arguments on 15.09.2017.”

Learned counsel for the petitioners, on instructions submits that there is still no possibility of an amicable resolution of the dispute as the petitioners are not ready and willing to furnish any kind of security for the complainant or the minor child. The conduct of the parties specifically the husband and the mother-in-law of the complainant in this case clearly reveals lack of *bona fides*. There are specific allegations against the husband and the mother-in-law of the complainant i.e. the petitioners in CRM-M-35055 of 2015. Moreover, the conduct of the said petitioners as detailed above does not entitle them to the concessin of anticipatory bail.

Accordingly, I do not find any ground whatsoever to grant the benefit of anticipatory bail to the said petitioners in CRM-M-35055 of 2015 which is accordingly dismissed.

Learned counsel for the State on instructions from ASI Kulvinder, verifies that the petitioners in CRM-M-35514 of 2015 have joined investigation. The petitioners therein are the brother-in-law (Devar) and married sister-in-law (Nanad) of the complainant. It is further verified that none of the petitioners are involved in any other criminal case. There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances of the case, but without expressing any opinion on the merits of case, it is considered just and expedient to allow CRM-M-35514 of 2015. Consequently, order

dated 15.10.2015 in CRM-M-35514 of 2015, is made absolute.

Petition i.e. CRM-M-35514 of 2015, is accordingly allowed
and CRM-M-35055 of 2015 is dismissed.

30.10.2017

s.khan

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No