

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

**CRM No.M-43645 of 2015
Date of decision: 09.02.2017**

Poonam Chand and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. G.S. Bedi, Advocate
for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

Complainant in person
with Mr. Kartik Gupta, Advocate.

REKHA MITTAL J. (Oral)

The petitioners pray for grant of bail in anticipation of arrest in FIR No.19 dated 06.11.2015 registered in Police Station Mahila Thana, Ambala for offence punishable under Sections 323, 406, 498-A read with Section 34 of the Indian Penal Code (in short 'IPC').

Counsel for the petitioners has submitted that Pankaj Bhati – husband of the complainant was arrested in the case and was allowed regular bail. The petitioners were allowed interim bail and in pursuance thereof, they have already joined investigation and are ready to face the proceedings, in accordance with law. It is further submitted that as husband of the complainant is an officer of the Indian Air Force even prior to marriage of the complainant with Pankaj Bhati, immediately after marriage, the complainant started staying with her husband at Aadampur, Air Force Station, Jalandhar Cantt., Punjab and they stayed together there till May, 2012. Thereafter, the husband and wife resided

together at Jodhpur, Rajasthan as Pankaj Bhati was transferred to Jodhpur. It is further submitted that in the FIR, there is no allegation with regard to entrustment of articles of dowry to the petitioners much less the said articles being misappropriated. It is further submitted that two of the petitioners namely Pinki Bhati and Taru Bhati are the married sisters-in-law of the complainant.

Counsel for the State of Haryana assisted by Mr. Kartik Gupta, Advocate, counsel for the complainant has submitted that recovery of dowry articles is yet to be effected, therefore, custodial interrogation of the petitioners is required. It is further submitted by counsel for the complainant that Pankaj Bhati made a statement during investigation that articles of dowry are lying in matrimonial home of the complainant at Bikaner.

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

On a pointed query raised by the Court with regard to statement purportedly suffered by the husband, it has been revealed that the husband made a statement that dowry articles are lying in a quarter at Bikaner but in pursuance of the said statement, the police did not get effect any recovery. There is no allegation in the FIR with regard to the petitioners being in possession of any of the articles of Istridhan of the complainant. Admittedly, the complainant remained residing with her husband since her marriage till 02.04.2015. The petitioners have already joined investigation and they are ready to face the proceedings, in accordance with law.

In view of the above, the petition is allowed and the

interim bail granted to the petitioners is made absolute, subject to the following conditions:-

- (i) They shall make themselves available for interrogation by a police officer as and when required;*
- (ii) 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*
- (iii) They shall not leave India without the previous permission of the Court.*

However, nothing stated in this order shall cause prejudice to either of the parties at the time of trial.

(REKHA MITTAL)
JUDGE

09.02.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No