

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

CRM-M-10084-2016 (O&M)
Date of Decision: May 21, 2018

Banso and another

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vipul Dharmani, Advocate
for the petitioners.

Ms. Anju Arora, Addl. A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioners in the event of arrest in FIR No. 79 dated 28.09.2015 under Sections 498-A of the Indian Penal Code, registered at Police Station Kiratpur Sahib District Rupnagar.

Briefly put the petitioner herein is the father-in-law and mother-in-law of the complainant residing at Tehsil Banga District Shaheed Bhagat Singh Nagar whereas their son and husband of the complainant is residing abroad. Vide an order dated 21.03.2016, the petitioner is herein had been directed to join investigation alongwith the direction to deposit an amount of Rs. 2 lacs by way of demand draft with Investigating Officer within a period of two weeks. Thereafter, CRM-M-15465-2016 was preferred in this Court stating that petitioner is herein belongs to the BPL category and

would not be in a position to deposit Rs. 2 lacs as directed by this Court. Thereafter, an effort was made by Courts to resolve the matter amicably by mediation. The parties appeared before the Mediation and Conciliation Centre, however, the mediation was unsuccessful. Again, an effort was made by the Court to resolve the dispute between the parties.

During the course of hearing, the petitioners herein offered the complainant accommodation which seems to be acceptable to the complainant who has custody of the minor child. The accommodation so offered was not acceptable to the complainant as the same was incomplete. Thereafter, the petitioners herein has sought time to make the same habitable.

Learned counsel appearing on behalf of the petitioners submitted that the accommodation comprising one room, one kitchen, one bathroom has been available to the complainant and the minor child. Mr. Ranjan Lakhanpal, Advocate for the complainant sought time to verify whether the accommodation was suitable or not and on inspection informed the Court that no electricity and water supply was available. Thereafter, counsel for the petitioner again made an effort to make the same habitable and offered the said accommodation to the complainant after making the same habitable. At the same time, it was argued that in proceedings under the Protection of Women from Domestic Violence Act, the Additional Sessions Judge, Rupnagar has allowed maintenance @ 3, 500/- per month, which was to be paid by her husband while further holding that there is nothing on record to establish that the parental house is the ancestral house or self acquired property of her father-in-law. The petitioner herein despite

the said order are still ready to provide accommodation to the complainant herein.

This matter has been kept pending and the Court has also perused all the orders that have been passed in this matter since 21.03.2016. There is no representation today on behalf of the complainant despite the matter having been called twice. Since this is a petition only for grant of anticipatory bail to the parents-in-law under the aforesaid FIR and in view of the fact that the petitioners are not required for custodial interrogation and have joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 21.03.2016 granting interim bail to the petitioners is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

However, it is expected that petitioners herein would be bound by their offer made to provide accommodation so offered in Court to the complainant in case the complainant so chooses to accept the same.

May 21, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No