

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

Criminal Misc. No.M-13384 of 2016(O&M)

Date of Decision: March 07, 2018.

Satwant Kaur

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.S.S.Salar, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG., Punjab.

Mr. Sumit Jain, Advocate
for respondents no.2 and 3.

LISA GILL, J.

Petitioner, who is the mother-in-law of the alleged victim i.e. daughter of the complainant seeks the concession of bail pending trial in FIR No.10 dated 26.02.2016, under Sections 498-A, 406, 420 IPC, registered at Police Station Rureke Kalan, District Barnala.

It is submitted that the present petitioner who is a 75 year old widow has been unnecessarily involved in this case due to the matrimonial discord primarily between the complainant's daughter and the petitioner's son. It is submitted that the entire problem arose as the Visa of the complainant's daughter was rejected by the authorities in USA and she could not join the petitioner's son in USA. It is further submitted that no specific allegation of ill-treatment or harassment or entrustment of any articles except the gold bangles of 3 tolas is there qua the petitioner. It is submitted that though the complainant's daughter had taken the said bangles with her, the petitioner is ready and willing to deposit

a sum of ₹2 lakhs without prejudice to her rights as security for the said jewellery to show her bona fides. Moreover, the petitioner had made efforts to contact her son to enable the couple to resolve their differences. However, the petitioner's son has broken all contact with her. He is not even extending any financial help after June 2015. He has also stopped entertaining any calls by the present petitioner. The petitioner, it is submitted is a helpless widow now living with her own brother. The petitioner's younger son is stated to be mentally disturbed. Bolero vehicle has since been returned and has been duly handed over to the complainant. It is further submitted that the petitioner has joined investigation and undertakes to face the proceedings. It is thus prayed that this petition be allowed.

Learned counsel for the complainant opposed this petition while submitting that there are specific allegations against the petitioner and the other accused. However, it is not denied that the vehicle in question and certain other articles have been returned. The jewellery, it is submitted is yet to be recovered. It is also not denied that the petitioner is a 75 year old widow.

It is to be noted that an affidavit dated 08.05.2017 has been filed by the petitioner to the effect that the last time the petitioner's son extended any financial help to her was in 2015. Now the petitioner is stated to be living with her own mother and brother. Her younger son is mentally upset and she is not in contact with her other son (husband of the victim) who does not even take her calls any longer.

Learned counsel for the State, on instructions from ASI Kewal Singh, verifies that the petitioner has joined investigation pursuant to interim order passed by this Court. It is submitted that few of the articles in question are

yet to be recovered though this is refuted by the learned counsel for the petitioner. It has been held by this Court in **Prit Pal Singh V. State of Punjab and another 2014 (5) RCR (Criminal) 771** that mere non recovery of certain articles cannot be a ground for not affording the concession of anticipatory bail to the accused.

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 06.05.2016, is made absolute subject to the petitioner depositing a sum of ₹2 lakhs before the learned trial Court without prejudice to her rights within four weeks.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

07.03.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.