

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : December 01, 2018

1. Criminal Misc. No. M-13978 of 2017 (O&M)

RanjitaPetitioner

versus

State of PunjabRespondent

2. Criminal Misc. No. M-14844 of 2017 (O&M)

Paramjit KaurPetitioner

versus

State of Punjab and anotherRespondents

3. Criminal Misc. No. M-15698 of 2017 (O&M)

Rajmir SinghPetitioner

versus

State of PunjabRespondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Jasjit Singh Bedi, Senior Advocate with
Mr. Sonpreet S. Brar, Advocate, for the petitioners

Mr. Saurabh Khurana, DAG, Punjab for the State

Mr. Rajinder Mahajan, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

CRM-42369-2018 IN
CRM-M-15678-2018

Heard.

In the light of the averments made in the application, in the interest of justice, documents Annexures P/14 to P/18 are allowed to be taken on record subject to just exceptions.

CRM-33254-2017 IN
CRM-M-13978-2017

CRM is allowed. Exemption from filing true/translated copies of Annexures R/1 and R/2 is allowed.

CRM-33254-2017 IN
CRM-M-13978-2017

CRM is allowed. Complete copies of the FIR and complaint are taken on record.

CRM-M-13978,14844 & 15698 OF 2017

Since all the three anticipatory bail applications filed under Section 438 Cr.P.C. by different sets of accused-petitioners have arisen in the common FIR bearing No. 155 dated 23.11.2016 under Sections 406, 498-A IPC, Police Station Women Cell, Police Commissionerate, Jalandhar, for the sake of convenience are being taken up and decided together.

The allegations leading to registration of the present case has come about from complainant Guneet Nanda Oshan addressed

to the Commissioner of Police, Jalandhar. In her complaint the complainant alleged that she got married on 2.12.2013 to Rajmir Singh. Petitioner Paramjit Kaur is mother of her husband whereas accused Mona Oshan, Ranjeeta Oshan (petitioner), Rajni Oshan and Anupama Makkar @ Sonu are the sisters of the husband whereas accused Ajay Pal Singh is the husband of accused Anupama Makkar. The complainant has alleged that his family had incurred huge expenses at the marriage and on the asking of the accused side had given sufficient dowry articles which comprises of costly jewellery, clothes and other valuables. The same were handed over to the accused, mother-in-law and sisters-in-law for giving the same to the complainant after her marriage. It is alleged that after the marriage bickering had crept in the relationship of the complainant and the in-laws over insufficiency of the dowry articles as Mercedes car was not given and instead of diamond set gold articles were given. The complainant claims that she was mentally and physically harassed by the accused side on various occasions for demand of more dowry part of which was acceded to by her parents but subsequently they showed their inability and thus the accused side forced the complainant to carry on house hold chores. During the course of events the complainant gave birth to male child on 15.2.2016. The wife has levelled various allegations on different occasions against in-laws and the husband claiming that the accused family had failed

to return the articles of Ishtridhan and rather misappropriated the same.

Mr. Jasjit Singh Bedi, learned senior counsel assisted by Mr. Sonpreet Singh has argued that it was the own unfaithful conduct of the complainant wife which has led to this matrimonial dispute and have sought to rely on the photographs, mobile records etc. to assert that the wife was in a relationship outside the marriage and was not happy with the husband and wanted to get rid of him and in the process has filed a false case. It is further sought to be argued by the petitioner side that there are only general and vague allegations of entrustment of the articles of Ishtridhan as well as refusal of the accused-petitioners to return back the same submitting further that some of the sisters of the husband are married and living separately and therefore, sought to place doubt on the veracity of the allegations and have sought to take advantage of the statement of the learned State counsel on the instructions of ASI Palwinder Singh that the petitioners have joined the investigations and part of the gold jewellery has been recovered and therefore, having been on interim bail since 26.4.2017, 1.5.2017 and 4.5.2017 and have never misused the concession of bail.

Mr. Saurabh Khurana, DAG, Punjab for the State Mr. Rajinder Mahajan, Advocate, for the complainant have sought to oppose the grant of bail on the grounds that part of the Ishtridhan is

yet to be recovered arguing that the accused-petitioners are instrumental in physical torturing and abuse of the complainant wife and that the allegations of infidelity do not bear out as the same pertained to pre-marriage and has sought to put them to doubt by aligning it with the mischief of the in-laws to malign and defame her. The counsel have sought to claim that in view of the seriousness of the allegations, the petitioners are not entitled to bail and sought dismissal of the same.

Going through the lengthy arguments put forth by the rival counsel and perusing the voluminous records that have been brought on the files itself by no means displaced that the marriage between the couple has taken place on 2.12.2013 and the various photographs placed on the records are themselves illustrative that the couple till the birth of the child were a happy couple. It is subsequent thereto, the relations have gone soar. Voluminous record that has been sought to be placed on record regarding call details etc. and the photographs which were sought to be placed on the files by the counsel for the petitioners have been returned for obvious reasons to ensure privacy of the personal life of an individual is suggestive to some extent as to what has transpired in bringing about such a thaw in this relationship. It is the categorical stand of the State that the petitioners have joined the investigations. The petitioners have remained on interim bail for a long period of time till

date. Thus, it would be traversity of justice to send the petitioners behind the bars. More-so, the culpability, if any would be determined at the trial.

In the light of the same, the interim bail granted to all the petitioners vide various orders is made absolute till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. The petitioners shall abide by the conditions laid down in Section 438(2) Cr.P.C.

With these observations, all the present petitions stand disposed off.

The observations expressed herein above shall not have bearing on the merits of the case at the time of trial as these are purely for the disposal of the present bail applications.

December 01, 2018

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No