

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 18674 of 2018 (O&M)

Date of decision : 27.8.2018

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Sunita and another

.....Petitioners

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sanjay Verma, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab

Mr. Ritesh Pandey, Advocate for respondent No.2.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioners Sunita and Ramesh Kumar, being accused in FIR No. 77 dated 16.4.2018, for offences under Sections 406, 498-A IPC registered at Police Station City Gurdaspur.

Briefly stated, facts of the case, as per the prosecution story are that complainant Pooja w/o Vijay Kumar Julka, submitted a written complaint to the police levelling allegations of harassment and maltreatment at the hands of her husband Vijay Kumar Julka, and

his family members, including mother-in-law Sunita and father-in-law Ramesh Kumar – present petitioners; that soon after the marriage, the complainant observed that many persons used to visit her matrimonial home and when she enquired about it from her husband, he threatened that if she disclosed that fact to anybody, then she would be turned out of the matrimonial home. On the basis of that complaint, formal FIR was recorded.

Apprehending their arrest in this case, petitioners Sunita and Ramesh Kumar - parents-in-law of the complainant had filed separate petitions for pre-arrest bail before the Court of Sessions, which was marked to Additional Sessions Judge, Gurdaspur, who vide order dated 25.4.2018 dismissed that petitions.

Feeling aggrieved, the petitioners have approached this Court by way of filing similar petition, notice of which was given to the respondent State.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record and I find that although the complainant later on levelled allegations that her mother-in-law Sunita is indulging in prostitution and she forced the complainant to develop illicit relations with others, but such allegations do not seem to be convincing, since in the FIR, there is no such mention. Furthermore, in case the complainant had come to know that her mother-in-law was indulging in such type of activities, then she should have rushed to her parental house, informing them regarding the situation and refusing to go back to the matrimonial home, lest she would also get ravished. However, as the things stand,

she had been putting up with her husband and parents-in-law, which is unlikely behaviour of a girl who has been forced to have sexual intercourse with the strangers by her mother-in-law for consideration.

As has been noticed by the Apex Court, even in matrimonial disputes, there is a tendency to rope in as many persons as possible from the husband's side as accused. The petitioners are of old age. There is nothing on record to show that they are hardened criminals. They have joined the investigation, as such they deserve to be granted pre-arrest bail.

In these circumstances, the interim bail granted to the petitioners vide order dated 3.5.2018 is made absolute, subject to fulfillment of conditions envisaged under Section 438(2) Cr.P.C.

The petition in that way is allowed.

27.8.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No