

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

CRM-M No. 21995 of 2017
DATE OF DECISION :- July 31, 2018

Jagdish Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CRM-M No. 26588 of 2017

Harpreet Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Sarvesh Kumar Gupta, Advocate for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Gitish Bhardwaj, Advocate for respondent no.2.

My this order shall dispose of two petitions bearing CRM-M No. 21995 of 2017 filed by Jagdish Singh, husband of the complainant and CRM-M No. 26588 of 2017 filed by Harpreet Kaur, aged about 34 years married sister-in-law, Buta Singh, aged about 60 years, father-in-law and Amarjit Kaur, aged about 58 years, mother-in-law of complainant-respondent no.2 Simarjit Kaur.

Briefly stated that facts of the case are that complainant Simarjit Kaur daughter of Naib Singh, resident of village Gobindpura, Tehsil and District Bathinda had submitted a written complaint to the police alleging therein that she

was married with Jagdish Singh on 30.1.2011 as per Sikh religious rites and ceremonies. Her father had given dowry articles to her in laws family according to their demand but they were not satisfied and they used to beat her up. Demands of more dowry were raised; that she was working as a staff nurse in Health Department. After that her parental family got her transferred to Ropar where she bought a house by raising loan in her name but there were no change in the behaviour of her husband and his family members. Her husband used to beat her up at the instance of his family members and to raise demand of more dowry articles. She could not get those demands fulfilled. In the said complaint, several instances of maltreatment and harassment had been given while seeking action against the culprits named in the complaint.

After registration of the F.I.R. the matter was investigated. Apprehending their arrest, the petitioners had approached the Court of Sessions for grant of pre arrest bail but were unsuccessful there, as such they have approached this Court seeking the similar relief.

The petitions for pre arrest bail are being resisted by counsel appearing for the complainant as well as the State counsel.

I have heard learned counsel for the petitioners, learned counsel for the complainant and learned State counsel besides going through the record.

As far as petitioner Harpreet Kaur, who is married sister-in-law of complainant residing in her matrimonial home at village Raunta, Tehsil Nihal Singhwala, District Moga, it appears somewhat unlikely that she would harass and maltreat the complainant so as to bring more dowry articles while she is not going to directly gain out of the same. Similarly allegations with regard to Buta Singh father-in-law and Amarjit Kaur mother-in-law of the complainant are general. The main thrust of allegations is against Jagdish Singh-husband of the complainant.

The petitioners in both the petitions have joined the investigation.

Learned State counsel has contended that no recovery has been effected. The Istridhan articles of the complainant could be in possession of her husband but not with sister-in-law and parents-in-law.

Therefore, I find that petition for pre-arrest bail filed by petitioners Harpreet Kaur, Buta Singh and Amarjit Kaur deserves to be accepted, whereas it is not so with regard to petition for pre-arrest bail filed by Jagdish Singh. Therefore, petition bearing CRM-M No. 26588 of 2017 filed by Harpreet Kaur, Buta Singh and Amarjit Kaur is allowed. Interim bail granted to them is made absolute subject to their fulfilling conditions under Section 438(2) Cr.P.C., whereas petition bearing CRM-M No. 21995 of 2017 filed by Jagdish Singh stands dismissed since his custodial interrogation is found to be necessary to effect the recovery and for complete and effective investigation of the case.

(H.S. MADAAN)
JUDGE

July 31, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No