

**Crl. Misc. No. M-25549 of 2017 and
Crl. Misc. No. M-25073 of 2017**

[1]

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

**Crl. Misc. No. M-25549 of 2017
Date of Decision : January 25, 2018**

Gurnam Singh and othersPetitioners

Versus

State of Punjab Respondent

Crl. Misc. No. M-25073 of 2017

Jaswinder Kaur and another Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. Gulzar Mohd., Advocate
for the petitioners in CRM-M-25549 of 2017.

Mr. Zorawar Singh Chauhan, Advocate
for the petitioners in CRM-M-25073 of 2017.

Ms. Monika Jalota, DAG, Punjab.

Mr. Parshotam Lal Singla, Advocate
for the complainant.

...

LISA GILL, J. (Oral)

This order shall dispose of CRM-M-25549 of 2017 and CRM-M-25073 of 2017.

The petitioners in both the cases seek the concession of anticipatory bail in FIR No. 9 dated 08.04.2017 under Sections 419, 498-A, 120-B IPC and Section 406 IPC, added later on, registered at Police Station

NRI, Jalandhar Rural, District Jalandhar.

CRM-M-25549 of 2017 was dismissed as infructuous qua petitioner No.4 on 27.07.2017 as it was informed by learned counsel for the State that petitioner No.4-Maninder Singh has found innocent during investigation. Petitioner No. 1 in CRM-M-25549 of 2017 is the brother-in-law (Dewar) and petitioners No. 2 and 3 are the parents-in-law of the complainant.

Petitioners Jaswinder Kaur and Sarabjit Singh, in CRM-M-25073 of 2017, aged 60 years are the parents of a friend of the complainant's husband. They are alleged to have posed as parents of the complainant at the time of her marriage.

As per the allegations in the FIR the complainant was lured by the co-accused Sukhman Singh (husband) while sending a request on the Facebook using the ID of the petitioner-Gurman Singh. It is averred that the complainant being innocent of the ways of the people in India (having been in U.S.A. since she was seven years old) was caught in the web weaved by Sukhman Singh along with all the other accused persons. She spent considerable money, was deceitfully allured into marriage with Sukhman Singh. Petitioner Jaswinder Kaur and Sarabjit Singh are alleged to have posed as parents of the complainant at the time of marriage and its registration. It is further stated that the only intention and object of the co-accused Sukhman Singh and the other accused was to send him to U.S.A. and once the object was achieved the complainant has been subjected to ill-treatment and harassment. Feeling threatened at the hands of all the accused, the present FIR was registered.

It is vehemently argued by learned counsel for the petitioners

that the present petitioners have nothing to do with the dispute between the complainant and her husband. The marriage, it is alleged, was solemnized by the complainant and Sukhman Singh out of their own free will. It is further submitted that both the complainant as well as her husband are in U.S.A. The complainant's parents are also admittedly living in U.S.A. The present petitioners it is submitted are being unnecessarily harassed due to the matrimonial dispute between the complainant and her husband. Moreover, all the petitioners have joined investigation. They undertake to face the proceedings and are not involved in any other criminal case, therefore, these petitions be allowed.

Learned counsel for the complainant vehemently opposed these petitions while submitting that the complainant has been deceitfully allured into marriage with Sukhman Singh. She has been subjected to ill-treatment, harassment and specific threats. In respect to petitioners Jaswinder Kaur and Sarabjit Singh it is stated that there is documentary evidence against them for having appeared as parents of the complainant at the time of marriage.

Learned counsel for the State, on instructions from ASI Harvinder Singh, informs that at the time of marriage of the complainant with Sukhman Singh at the Gurudwara, name of the complainant's father is mentioned as Bhajan Singh Sandhu though in the column for signatures of the parents, signatures of Sarabjit Singh are found present. However, there is no material on record to show that Jaswinder Kaur and Sarabjit Singh have signed as parents of the complainant before the Registrar at the time of registration of the marriage. It is verified that the petitioners have joined investigation pursuant to interim orders passed by this Court and their custodial interrogation is not required. It is further verified that none of the

petitioners are involved in any other criminal case.

There is no allegation that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow these petitions. Consequently, orders dated 27.07.2017 passed in both these petitions are made absolute.

25.01.2018
rupi

**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No