

Criminal Misc. No. M- 27508 of 2017 (O&M)

Date of decision : March 19, 2018

Sukhwinder Kaur

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sandeep Godara, Advocate
for the petitioner.

Mr. Sukhleen Singh, AAG, Punjab

Mr. Dhawaljeet Dutta, Advocate
for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 0019 dated 09.03.2017 under Section 406/498A IPC registered at Police Station Sadar, Gurdaspur, District Gurdaspur.

It is submitted that the petitioner is the mother-in-law of the complainant and she has been falsely implicated, in this case, only due to her relationship. It is argued that the petitioner has never at any stage ill-treated the complainant or harassed her for bringing insufficient dowry. It is further contended that there is nothing on record to substantiate the allegations of the alleged physical abuse meted out to the complainant. The petitioner's son, it is further submitted, is suffering from a psychiatric problem for which he was being treated at Guru Nanak Dev Hospital Government Medical College, Amritsar. A photocopy of the treatment history of the petitioner's son has been produced in Court today. The same

is taken on record subject to just exceptions. The petitioner's son has been afforded the concession of bail pending trial.

An effort was made to amicably resolve the dispute between the parties but all efforts before the Mediation and Conciliation Centre of this Court failed. It is further submitted that the minor child of the complainant i.e. the petitioner's grand daughter is being looked after by the petitioner. The grand child is now being sent to school. Moreover, the petitioner has since joined investigation. The petitioner undertakes to face the proceedings and not abuse the concession of anticipatory bail, if confirmed. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant and the State have opposed this petition while submitting that specific allegations have been levelled against the petitioner as well. It is, however, not denied that the minor child is being looked after by the petitioner. It is noticed that the matter was placed before the Mediation and Conciliation Centre of this Court. The petitioner alongwith her son and the complainant were directed to be present, however, mediation between the parties was not successful. An effort was made before this Court but it appears that an amicable resolution of the dispute between the parties is not possible at this stage. A sum of ₹10,000/- in terms of order dated 09.11.2017 has been handed over to the complainant.

Learned counsel for the State, on instructions from ASI Mohan Lal verifies that the petitioner is not involved in any other criminal case. 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 noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 31.07.2017 is made absolute.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

March 19, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No