

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

1. Criminal Misc. No.M- 30660 of 2017(O&M)
Date of Decision: February 22 , 2018.

Krishan Kumar @ Krishana Kumar PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

2. Criminal Misc. No. M- 28946 of 2017(O&M).

Amit Jaura and another PETITIONER(s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Achin Gupta, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

None for the complainant/respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of CRM No.M-30660 of 2017 (Krishan

Kumar @ Krishana Kumar v. State of Punjab and another) and CRM No.M-

28946 of 2017 (Amit Jaura and another v. State of Punjab).

All the petitioners seek the concession of anticipatory bail in FIR No.94 dated 25.06.2017 under Sections 498A/406 IPC, registered at Police Station City Kotkapura, District Faridkot. Petitioner-Krishan Kumar @ Krishana Kumar is the husband, petitioner-Amit Jaura is the unmarried brother-in-law and petitioner-Baby is the mother-in-law of the complainant.

As per the allegations in the FIR, marriage between the complainant and the petitioner-Krishan Kumar took place three years prior to the registration of the FIR. A daughter was born out of this wedlock. Allegations of ill-treatment and harassment qua all the accused persons have been raised. It is alleged that after the birth of a daughter she was taunted by her in-laws. The complainant stated that she was thrown out of the matrimonial home and despite efforts was not rehabilitated. It was prayed that she should be rehabilitated in the matrimonial home. Action was prayed for against all accused.

Learned counsel for the petitioners submits that there are general and vague allegations in the FIR. No specific allegations have been raised against any of the petitioners. The present FIR has been registered due to temperamental differences between the parties. It is submitted that petition under Section 13 of the Hindu Marriage Act, 1955 was filed by the petitioner in the year 2016 i.e., prior to the registration of the present FIR on 25.06.2017. It is further submitted that a criminal complaint under Sections 406/498A IPC was also preferred by the complainant against the present petitioners, which is pending before the learned learned trial court. The petitioners were ready and willing to amicably resolve the entire dispute however, the complainant never

came forward before the Mediation and Conciliation Centre of this Court when the matter was referred by this Court neither has she come present before this Court. The petitioners have been granted the concession of anticipatory bail in the complaint case vide order dated 21.12.2017 passed by the learned Sessions Judge, Faridkot. Moreover, the petitioners have joined investigation and are not involved in any other criminal case. They undertake to face the proceedings and not misuse the concession of anticipatory bail, if afforded to them. It is submitted that recovery of dowry articles as may be available with the petitioners has been effected. Therefore, it is prayed that this petition be allowed.

Photocopy of order dated 21.12.2017 passed by the learned Sessions Judge, Faridkot, produced in Court today, is taken on record subject to just exceptions. It is noticed that this matter was placed before the Mediation and Conciliation Centre of this Court. However as per report of the Mediator, the complainant/respondent No.2 did not come present. None had appeared on her behalf before this Court even despite intimation to her through the concerned police official.

Learned counsel for the State, on instructions from HC Jagtar Singh, verifies that the petitioners have joined investigation and are not involved in any other criminal case. It is submitted that recovery of articles except about eight tolas of gold ornaments, has been effected. It has been held in **Prit Pal Singh v. State of Punjab and another, 2014 (5) RCR (Criminal) 771** to say that non-recovery of certain articles by itself cannot be a ground for not affording the concession of anticipatory bail to the petitioners.

There are no allegations on behalf of the State that the petitioners

are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, both these petitioners are allowed. Consequently, interim bail afforded to the petitioners – Amit Jaura and Baby vide order dated 09.08.2017 in CRM No.M-28946 of 2017 is made absolute. In the event of arrest of the petitioner – Krishan Kumar @ Krishana Kumar, he shall be released on bail to the satisfaction of the Arresting/Investigating Officer. Petitioners shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

February 22 , 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No