

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-34850 of 2017
Date of decision : November 12, 2018

Dilbagh Rai and another

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sarju Puri, Advocate, for the petitioners

Mr. Dhruv Dayal, Sr. DAG, Punjab for the State with
ASI Kulwinder Singh, PS Banga, Distt. SBS Nagar

Mr. Parminder Singh, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The allegations against petitioners Dilbagh Rai father-in-law and Balbir Kaur mother-in-law of complainant Neelam are that a marriage of the complainant took place with Ranjit Heer son of the petitioners, a Non Resident Indian living in Italy, wherein sufficient dowry articles were given and handed over to each of the accused. It is after few days of the marriage, the husband went to Italy and the accused-petitioners usurped her Ishtri Dhan and threw her out of her

matrimonial home and now it is alleged that the husband has contracted another marriage with one Reema who too has been deserted by him and a complaint has been filed by her against the petitioners side.

Mr. Sarju Puri, learned counsel for the petitioners inter-alia contends that petitioner Dilbagh Rai is aged person and his wife Balbir Kaur is bed ridden and neither there is any allegation of specific entrustment of dowry to any of them much less the case of criminal breach of trust qua the same is made out arguing that the husband is living abroad separately from the parents and that the allegations have been brought about on frivolous pretext as an arm twisting tactics.

Mr. Dhruv Dayal, learned State counsel assisted by Mr. Parminder Singh, counsel for the complainant has submitted that son of the petitioners, husband of complainant, Ranjit Heer and his brother accused Gurcharanjit Heer have since been declared as proclaimed offenders vide orders dated 22.10.2018 and there are serious allegations of having duped a poor lady by an NRI who has also similarly duped another woman. It is submitted that there are specific allegations against the petitioners which dis-entitles them to any relief and sought its dismissal.

Going though the submissions, it is a typical serious case

of deception by an NRI groom who has not only played a cruel joke and duped the present complainant a simple lady but has also done so to another woman as well. Such like sinister designs by NRIs have attained notoriety in this part of the State. Though there is no stringent provision enacted for dealing with such heinous cases of utter cruelty and deception of poor desolate powerless wives and which is the need of the hour. Two of the co-accused of the petitioners are still absconding from law. Since admittedly the complainant was residing with the petitioners and thus invariably after being handed over the articles of Istridhan are in possession of the same and have refused to return it back to the complainant are matters of serious concern and thus their custodial interrogation is very much essential. Moreso provisions of Section 438 Cr.P.C. are to be sparingly used.

In the light of what has been detailed and discussed above, this Court holds that no case for grant of anticipatory bail to the petitioners is made out. Having no merit, the instant bail application is dismissed.

November 12, 2018**'tiwana'****(Fateh Deep Singh)
Judge***Whether speaking/reasoned ?
Whether Reportable ?**Yes/No
Yes/No*