

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 36162 of 2017 (O&M)

Date of decision : 27.8.2018

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Hari Ram

.....Petitioner

vs.

Geeta Devi

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Narinder Singh Pawar, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab

Mr. Vikas Singh, Advocate for the complainant.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioner Hari Ram, who has been summoned as an accused in a complaint under Section 406, 498-A IPC filed by his daughter-in-law, namely, Geeta Devi.

According to the petitioner, he is an old aged person of 93 years and is completely blind. He has enclosed copy of his passport showing his date of birth as 10.1.1924 and certificate dated 11.11.2002 showing that he is completely blind. According to him, he

and his family had been residing in Norway and his son Anil Kumar got married with Geeta Devi on 27.7.2003. As per case of the petitioner, after the marriage, Anil Kumar had gone to Norway and he completed the necessary formalities to ensure migration of Geeta Devi to Norway but unfortunately, those efforts proved futile. Feeling upset over the same, Geeta Devi has lodged the FIR in question, despite the fact that marriage between her and Anil Kumar had been dissolved by way of decree of divorce passed by the Court of competent jurisdiction in Norway dated 30.1.2010. That divorce was granted after the proceedings were contested by Geeta Devi. She had filed an appeal against the decree of divorce which was dismissed. She had further filed a writ petition against the decree of divorce in the Court at Norway. It was also dismissed. The complainant has filed four different complainants which were enquired into, but no merit was found therein. Thereafter, the complainant filed a false and frivolous complaint against her husband Anil Kumar and his family members, including his father Hari Ram – present petitioner, levelling allegations of maltreatment and harassment of complainant and criminal breach of trust with respect to her dowry articles by the accused. The trial Court without considering the full facts and circumstances of the case, in a routine manner, have summoned the present petitioner; that filing of such complaint is an abuse of the process of the Court.

On the present petition having been filed, the petitioner was directed to appear before the trial Court with a direction that on his appearance, he be admitted to interim bail by the trial Court. He

has since appeared in the trial Court and has been granted interim bail.

Learned counsel for the petitioner has submitted that this interim bail granted to the petitioner be confirmed. Whereas learned counsel for the complainant has submitted that keeping in view the past conduct of the petitioner, he does not deserve exceptional relief of pre-arrest bail.

After hearing the rival contentions of counsel for the parties and going through the record, I find that the petitioner has been summoned in a private complaint case. He has since put in appearance there. The main purpose of sending notice to the accused is to enable him to appear in the proceedings, so that the trial may proceed further. The petitioner could not certainly be subjected to custodial interrogation in such type of case. If he is put behind bars during pendency of the proceedings, that is not going to serve any useful purpose, keeping in view the fact that the petitioner is aged more than 93 years and is completely blind. Therefore, I find that it would be proper and appropriate if the petition is accepted.

Accordingly, the petition in hand is allowed and the interim bail granted to the petitioner vide order dated 29.9.2017 by this Court is made absolute, subject to fulfillment of conditions envisaged under Section 438(2) Cr.P.C.

27.8.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No