

Criminal Misc. No. M- 40776 of 2016 (O&M)

Date of decision : January 30, 2018

Jatinder Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sanjeev Duggal, Advocate for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Ram Bilas Gupta, Advocate for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in Complaint No. 37 of 2015 dated 15.12.2015 under Sections 406/498A IPC.

It is submitted that the complaint in question has been filed due to temperamental differences between petitioner No. 1 and his wife – respondent No. 2. Moreover, the petitioners could not appear before the learned Additional Sessions Judge, Hoshiarpur on 05.10.2016 due to noting of a wrong date by the counsel. Due to this reason, their application for bail was dismissed on 05.10.2016. The petitioners undertake to face the proceedings and appear before the learned trial Court on each and every date fixed. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while stating that serious allegations are levelled against all the petitioners.

Heard, learned counsel for the parties.

Petitioner No. 1 is the husband. Petitioners No. 2 and 3 the parents-in-law and petitioner No. 4 is the brother-in-law of respondent No.

2. It is not in dispute that the marriage between petitioner No. 1 and respondent No. 2 was solemnised on 09.03.2014. It is stated that she was subjected to ill-treatment and harassment by all the petitioners due to insufficient dowry. She was ultimately thrown out of matrimonial home on 13.08.2014. Despite efforts, she could not be rehabilitated in the matrimonial home. Parties were referred to the Mediation and Conciliation Centre of this Court but mediation was not successful. Ultimately, respondent No. 2 expressed her willingness to part ways with petitioner No. 1 in case he would deposit a sum of ₹7,66,000/- as full and final settlement of all the claims – past, present and future in respect to alimony, maintenance etc. Despite opportunity, no reasonable proposal came forth from petitioner No. 1.

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 in respect to petitioners No. 2 to 4. Consequently, bail afforded to petitioners No. 2 to 4 by the learned trial Court pursuant to order dated 16.11.2016 be made absolute subject to their furnishing fresh bail bonds and surety to the satisfaction of the learned trial Court.

However, keeping in view the nature of allegations and the conduct of petitioner No. 1, this petition is dismissed qua petitioner No. 1.

(Lisa Gill)
Judge

January 30, 2018
rts

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