

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

**CRM-M No. 42534 of 2017**

**DATE OF DECISION :- September 28, 2018**

**Ram Nath and another**

**...Petitioners**

**Versus**

**The State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE H.S. MADAAN**

**Present:-** Mr. G.B.S. Gill, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. Saajan Singla, Advocate for the complainant.

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This petition for pre arrest bail has been filed by petitioners Ram Nath, aged about 59 years father-in-law, his wife Santosh, aged about 52 years-mother-in-law of complainant Kiran Bala.

Briefly stated the facts of the case are that F.I.R. in question was registered on the basis of written complaint submitted by Kiran Bala addressed to SSP Bathinda, seeking taking of legal action against her husband Sunil Kumar, father-in-law Ram Nath, mother-in-law Santosh, on the allegations of her harassment and maltreatment in connection with demand of dowry and they having committed criminal breach of trust with regard to her dowry articles besides turning her out of the matrimonial home after beatings.

After registration of the F.I.R., the investigation in the case started. The petitioners filed an application for pre-arrest bail before the Court of Sessions which was assigned to Additional Sessions Judge, Bathinda, who vide order dated 31.10.2017 had dismissed the application as such they have approached this Court asking for grant of pre arrest bail, which request is being opposed by the counsel

for the complainant as well as State counsel.

I have heard learned counsel for the petitioner, learned counsel for the complainant and learned State counsel besides going through the record.

Learned counsel for the petitioners has contended that petitioners are aged persons, they have since joined the investigation in terms of the directions issued by this Court, as such they be granted anticipatory bail. Whereas learned State counsel submits that though the petitioners have joined the investigation but complete recovery has not been effected from them. Learned counsel for the complainant corroborates such contention made by learned State counsel.

After hearing the rival contentions, I find that law is well settled that pre arrest bail cannot be denied solely for the reason that complete recovery has not been effected. Keeping in view the facts and circumstances of the case and that petitioners are parents-in-law of the complainant, they are of old age and the allegations against them are of general type lacking specific details and further since they have joined the investigation, in my view the petition deserves to be accepted.

Under such circumstances, the interim bail granted to the petitioners on 13.11.2017 is made absolute, subject to their fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

**(H.S. MADAN)**  
**JUDGE**

**September 28, 2018**  
*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No