

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

Criminal Misc. No.M- 43726 of 2015(O&M)

Date of Decision: April 17 , 2018.

Balkar Singh and another

..... PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.K.Arya, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

Mr. Sandeep Godara, Advocate for
Mr. APS Rehan, Advocate
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.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.55 dated 06.11.2015 under Sections 498A/406 IPC, registered at Police Station Tibber, District Gurdaspur.

The petitioners are the parents-in-law of the complainant/respondent No.2. Learned counsel for the petitioners argues that no specific allegations have been raised against the petitioners, who have been

falsely implicated in this case due to their relationship with the complainant and her husband. There is no medical evidence on record to show any kind of physical abuse meted out to the complainant. It is further denied that any kind of ill-treatment was ever meted out by the present petitioners to the complainant. Even as per the allegations in the FIR, the petitioners' son is alleged to be a drug addict. Allegations of ill-treatment have been raised qua him specifically. It is further submitted that during the pendency of this petition, the petitioners' son passed away on 03.03.2016. Litigation expenses stand handed over to respondent No.2. It is submitted that the petitioners have joined investigation and all the dowry articles allegedly lying with them have since been recovered. They undertake to face the proceedings and not misuse the concession of anticipatory bail, if afforded to them. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant and the State do not deny that the son of the petitioners (the complainant's husband) has since passed away on 03.03.2016. It is noticed that sustained efforts were made for an amicable settlement of the dispute between the parties both before and after the death of the petitioners' son but the parties were unable to resolve the matter. Litigation expenses as directed by this Court were duly handed over to respondent No.2. Learned counsel for the State, on instructions from ASI Mohinder Pal, verifies that the petitioners, who are not involved in any other criminal case, have joined investigation and all dowry articles except gold jewellery have been recovered from the petitioners.

It has been observed in **Prit Pal Singh v. State of Punjab and**

another, 2014 (5) RCR (Criminal) 771 that non-recovery of certain articles by itself cannot be a ground for not affording the concession of anticipatory bail to the accused.

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, this petition is allowed. Consequently, order dated 07.01.2016 is made absolute.

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.

April 17 , 2018.
'om'

(LISA GILL)
JUDGE

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