

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

Crl. Misc. M 45387 of 2017 (O&M)
Date of decision: 5.12.2018

Balram Krishan Sood

...Petitioner

Versus

State of Punjab and other

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. A.S. Tanwar, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. M.K. Dogra, Advocate,
for respondents No.2 and 3.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 482 of the Code of Criminal Procedure for cancellation of anticipatory bail granted to respondents No. 2 and 3 by the Court of Additional Sessions Judge, Kapurthala on 1.8.2017 in FIR 91 dated 12.5.2016 under Sections 406, 498-A, 420, 494 IPC, registered at Police Station City Phagwara, District Kapurthala.

The aforesaid FIR was lodged by the petitioner alleging that his daughter was got married with Harsh Bedi son of Maheshwar Dass Bedi and at the time of the marriage, dowry was given beyond his financial capacity.

It was further alleged that his son-in-law was residing in Ireland, while contending that after he returned to India, he started residing in Delhi and

developed illicit relations with some girl. It is contended that his daughter had been harassed on account of inadequate dowry etc. It is contended that the trial court illegally allowed bail to respondents 2 and 3, namely, father-in-law and the mother-in-law, who are the main culprits in the instant case and that the bail should be cancelled. It is further contended that the recoveries of gold articles etc. are yet to be effected.

Notice of motion was issued and appearance has been caused on behalf of the respondents.

I have heard learned counsel for the parties and have perused the reply as filed by the counsel for the respondent—State.

The Additional Sessions Judge, Kapurthala, by the impugned order dated 1.8.2017 while allowing anticipatory bail to the parents-in-law of the daughter of the complainant, noted that challan has been presented in the court and both the accused—respondents No. 2 and 3 have been kept in column No.2. It is also noted that another challan has been presented under Sections 420/494 IPC against husband Harsh Bedi and both parents-in-law have been kept in column No.2 since no case has been made out against them. However, the parents-in-law apprehended that they would be summoned as additional accused, while framing the charges and therefore, they approached the court seeking anticipatory bail which was allowed.

There is nothing on record to establish that the private respondents whose bail has been sought to be cancelled have mis-used the concession of said bail granted to them. Merely because some recoveries have not been made or that Harsh Bedi had solemnized marriage and/or is in

illicit relationship with another woman, it would not entitle the petitioner herein to seek cancellation of bail. This Court in a catena of judgments has held that bail cannot be denied only on the ground that certain recoveries are yet to be made. In this regard reference can be made to the judgments rendered in Anil Rajput and others Versus State of Haryana 2010 (6) R.C.R. (Criminal) 1126, Prit Pal Singh Versus State of Punjab and another 2014 (5) R.C.R. (Criminal) 771 and Ekta Versus State of Punjab and others 2016 (4) R.C.R. (Criminal) 426. In any case, the petitioner cannot invoke Section 494 IPC against the parents of his son-in-law.

In view of the above, there is no merit in this petition.

Dismissed.

5.12.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No