

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

CRM-M-46704-2016

Date of decision:-24.7.2018

Ranjit Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Petitioner in person with
Ms.Sushma Chopra, Advocate.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Complainant in person with
Mr.Mohinder Kumar, Advocate.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Ranjit Kaur, an accused in FIR No.94 dated 10.9.2016, under Sections 498-A/34 IPC, registered at Police Station Majitha, District Amritsar.

Briefly stated, the facts of the case as per prosecution version are that complainant – Sandeep Kaur was married with Amandeep Singh

son of late Darshan Singh and Ranjit Kaur (present petitioner) on 7.1.2015 and at the time of the marriage, parents of the complainant had given considerable dowry articles, which had been handed over to the petitioner and other members of the family and they have committed criminal breach of trust with regard to those dowry articles. After the marriage, the complainant was harassed and maltreated by her husband Amandeep Singh, mother-in-law Ranjit Kaur, husband's younger brother Pradeep Singh, sister-in-law Amanpreet Kaur for the reason that she had brought less dowry. On 26.1.2015 her husband had gone to Dubai. Demands of more dowry were raised and when the complainant could not fulfil those demands, she was given beatings and turned out of the matrimonial home. On complaint having been submitted by complainant Sandeep Kaur, formal FIR was registered.

Apprehending her arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, her such request was declined by learned Additional Sessions Judge, Amritsar vide order dated 7.12.2016.

In the order, learned Additional Sessions Judge, Sangrur has observed that **Ranjit Kaur petitioner was given concession of interim anticipatory bail vide order dated 7.10.2016. She had joined the investigation only once but did not get the complete recovery of dowry articles effected. Thereafter, at the request of the parties, the matter was sent to Mediation Centre for effecting compromise but there too, the petitioner accused did not appear as a result of which the mediation failed. The petitioner accused was directed to cause**

appearance of her son in the Court so that compromise could be effected, but she expressed her inability to produce him by stating that her son is abroad and she could not call him and when the complainant expressed her desire to go to her matrimonial home, the petitioner accused stated that she was not willing to keep her daughter-in-law in the home. Learned Additional Sessions Judge, Amritsar has observed that keeping in view the adamant attitude of the petitioner/accused, she does not deserve the concession of anticipatory bail, as such, the petition was dismissed.

As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the records.

It needs to be mentioned here that the adamant and harsh attitude of the petitioner as noticed by learned Additional Sessions Judge, Amritsar continued before this Court also. The matter had been referred to Mediation and Conciliation Centre of this Court since counsel for the petitioner and respondent No.2 – complainant stated that efforts could be made to resolve the dispute between the parties amicably. The mediation had failed in this case. Learned counsel for the petitioner had submitted that petitioner's son was returning to India in July, 2017 and the matter could be resolved and as such the case was adjourned. This is so recorded

in the order dated 28.4.2017. However, on the adjourned date, counsel for the petitioner states that petitioner's son was unable to come back to India in July, 2017 and would reach India in October, 2017. The request for adjournment was again granted observing that no further adjournment would be afforded due to non-availability of the petitioner's son and the case was adjourned to 12.10.2017. On 12.10.2017, nobody was present in the Court on behalf of the petitioner. In view of written request for counsel for the petitioner, case was adjourned to 28.11.2017. On 28.11.2017, again request was made by counsel for the petitioner for adjournment, which was allowed and the case was ordered to come up on 25.1.2018. On 25.1.2018 learned counsel for the petitioner submitted that petitioner's son was still unable to come to India, however, the petitioner was desirous of the complainant-respondent No.2 returning to the matrimonial home and residing alongwith her till petitioner's son returned from Dubai. It was further submitted that in case petitioner's son was not able to come to India, the petitioner would make necessary arrangements for respondent No.2 to join him at Dubai. The complainant through her counsel had agreed to such an arrangement. Some time was requested for placing on record the written terms and conditions of the settlement, which was granted. The matter was referred to Mediation and Conciliation Centre of this Court for the purpose of drawing up the terms and conditions of settlement. On 26.2.2018, the petitioner agreed to pay a sum of Rs.3,000/- per month for the personal expenses of respondent No.2 stating that the petitioner was desirous of complainant – respondent No.2 returning to matrimonial home and residing with her till her son returned

and in case he could not return, then she would make arrangement for respondent No.2 to join him at Dubai. The complainant gave consent for that. On 18.4.2018, it was informed that though respondent No.2 is living with petitioner, a sum of Rs.3,000/- as noted is not being paid to her. Learned counsel for the petitioner requested that the bank account number of the complainant be given then amount would be deposited in that account. However, later on 20.7.2018 counsel for the petitioner stated that keeping in view the conduct of the complainant when she did not attend the petitioner while she fell down in the Court and become unconscious, the petitioner was not ready to pay any amount to her and not ready to allow her to reside in the matrimonial home.

This goes to show that the petitioner is playing hide and seek with the Court getting adjournments on one pretext or the other making promise and then backing out of the same. A person showing such conduct and who has not got the complete recovery effected though joining the investigation as per order of learned Additional Sessions Judge, Amritsar is certainly not entitled to pre arrest bail.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation . In case custodial interrogation of the petitioner is denied to the investigating agency, that would leave many loose ends and gaps in the investigation affecting the investigation being

carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

24.7.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No