

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

CRM M-7671 of 2019

Date of Decision: March 13, 2019

Amandeep Kaur

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. V.P. Singh, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Pankaj Kundra, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 201 dated 27.12.2018 under Sections 498-A and 406 IPC Police Station Goindwal Sahib, District Tarn Taran.

The allegations have been levelled by complainant RavleenKaur wife of Randhir Singh, which are as follows:-

“The complainant alleges that her marriage was

solemnized with Randhir Singh on 27.04.2009 and that sufficient dowry articles were given at the wedding. It is alleged that the accused including the present petitioner who happens to be Jethani (wife of elder brother of the husband) and claims that the petitioner alongwith other co-accused/non-applicant had physically abused her and usurped her articles of istridhan”.

Mr. V.P.Singh, learned counsel for the petitioner *interalia* contends that neither there is any allegations nor specific entrustment of articles of istridhan much less any criminal breach of trust qua him and has sought to support from settlement arrived at between the parties (Annexure P-3), which is prior to the registration of the present case on 24.08.2017 and thus nothing is to be recovered.

Mr. Saurav Khurana, DAG, Punjab assisted by ASI Gurdev Singh and Mr. Pankaj Kundra, learned counsel for the complainant though has tried to oppose the grant of the bail on the grounds that recoveries are yet to be effected but has fairly conceded at bar that settlement (Annexure P-3) duly annexed with the petition was arrived at between the parties which also bears the signatures of the complainant alongwith petitioner/accused.

Going through the submissions as is evident from the settlement Annexure P-3 most of the articles so claimed by the complainant have been settled in the arrangement between the parties. To the very specific query of the Court, learned State counsel could

not impress as to any articles of istridhan which have been specifically entrusted to the petitioner are to be recovered and, thus, recovery of these articles is a debatable issue.

In the light of what has been detailed and discussed above, together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. Therefore, in the event of arrest, the petitioner be released on *interim* bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed off.

March 13, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No