

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

CRM-M No.14266 of 2019 (O&M)

Date of decision: 27th May, 2019

Pishora Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

Ms. Amandeep Kaur, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose off anticipatory bail application moved in FIR No.201 dated 27.12.2018 under Sections 498-A, 406, 354/34 IPC pertaining to Police Station Goindwal Sahib, District Tarn Taran. The brief allegations against the petitioners namely, Pishora Singh father-in-law and Gurbhej Singh elder brother of Randhir Singh husband of the complainant, are that the marriage between the complainant and the principal accused non-applicant was solemnized on 27.04.2009 where sufficient articles of dowry were given. However, the accused side was not happy with the same and has been physically and mentally torturing the complainant and ultimately on 31.12.2017 she was thrown out of her

matrimonial home, leading to registration of the present case on 27.12.2018.

Learned counsel for the petitioners Mr. V.P. Singh, Advocate inter alia contends that the allegations of usurping of the *stridhana* have come about after more than nine years, and has sought to assail the applicability of Section 406 IPC being barred by limitation. It is further contended that in pursuance of separation being executed between the parties as per Annexure P4, the complainant and her husband are separated from the rest of the family, thus, no case of demand of dowry as well as cruelty by the present petitioners, father-in-law and brother-in-law, is made out.

Learned State counsel Mr. A.S. Sandhu, Additional Advocate General, Punjab on instructions from ASI Gurdev Singh, Police Station Goindwal Sahib, District Tarn Taran assisted by learned counsel for the complainant Ms. Amandeep Kaur, Advocate has stoutly opposed the grant of relief on the grounds that custodial interrogation of the petitioners is very much essential together with the allegations under Section 354 IPC levelled against the petitioner No.2, necessitates dismissal of the petition.

Going through the submissions of the two sides, co-accused non-applicant Amandeep Kaur was allowed anticipatory bail by this Court vide orders dated 13.03.2019 (Annexure P7) where heavy reliance was placed on their family settlement (Annexure P3). Furthermore, the

inordinate delay between the giving of the dowry articles and registration of the case which has come about after more than nine years, a debatable issue arises over the very applicability of Section 406 IPC. More so, since the very contents of the family settlement (Annexure P3) are not displaced by the prosecution side, therefore applicability of Sections 354 as well as 498A IPC too becomes highly debatable which would be adjudicated after the parties adduce their evidence. Mere joining the investigations by the petitioners would suffice the purpose and in view thereof, they are directed to join the investigations within a period of ten days from today and on their doing so, they shall be released on bail to the satisfaction of the Investigating Officer till submission of report under Section 173 Cr.P.C. (challan). They shall however continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 27, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No