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

1.

CRM-M-17626-2019

Date of Decision : 29.10.2019

Raj Kumar and another

.....Petitioners

versus

Union Territory Chandigarh and another

....Respondents

2.

CRM-M-20326-2019

Date of Decision : 29.10.2019

Vipin Kumar

.....Petitioner

versus

Union Territory Chandigarh and another

....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.S. Bajwa, Advocate
for the petitioners.

Mr. Rajiv Vij, Addl.P.P.,
for respondent No.1-State.

Mr. Ashok Kumar Sharma, Advocate
for the complainant/respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose off two anticipatory bail applications under Section 438 Cr.P.C, one filed by Raj Kumar and Munesh Devi, the in-laws of the complainant (CRM-M-17626-2019) and the other filed by Vipin Kumar, Husband of the complainant (CRM-M-20326-2019) which have been arisen in the same FIR bearing FIR No.55 dated 21.03.2019 filed under Sections 406/498-A of the Indian Penal Code registered at Police Station Women, Sector 17, Chandigarh and for the sake of brevity are being taken up and decided together.

The allegations in the present case have been levelled by the complainant/wife-Namrta alleging that she was married to petitioner-Vipin Kumar on 30.04.2015 and they spent ₹20 lacs on the marriage. During the course of matrimony, she gave birth to two girls and thereafter, matrimonial issues started cropping up between the couple. It is alleged by the complainant/wife that the accused were not happy with the *Istridhan* and used to pressurized her for bringing money as well as car to their liking. It is further alleged that the husband-Vipin Kumar is a drug addict and as a consequence of this matrimonial disaccord, the present case got registered.

Learned counsel for the petitioners *inter alia* contends that bare perusal of the allegations levelled in the FIR neither there is any handing over of any article of *Istridhan* much less case for their

recovery and therefore, case of custodial interrogation is not made out and it is a simplicitor matrimonial disaccord.

On instructions from SI Balbir Singh, Police Station Women, Sector 17, Chandigarh, the learned State counsel though have strongly opposed the grant of bail on the grounds that recovery of the articles of *Istridhan* are to be made and that for which custodial interrogation is very much essential and have pleaded for dismissing the relief being prayed by the petitioners.

Going through the submissions and a bare perusal of the allegations levelled in the FIR and when specific query having been posed to counsel for the complainant to point what allegations have come about as to entrustment of dowry articles to any of the accused or criminal breach of trust, he was at loss of words.

Keeping in view such a situation and that though there appears to be a matrimonial dispute between the couple and in such a situation sending the petitioners behind the bars would be travesty of justice and nothing is to be recovered from the petitioners, the present petitions are allowed. Petitioners-Raj Kumar, Munesh Devi and Vipin Kumar, would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations. On their doing so, the petitioners shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). They shall also abide by the conditions specified under section 438 (2) Cr.P.C.

Thereafter, on presentation of challan, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Disposed off.

29.10.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No