

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-51205-2018

Date of Decision:19.08.2019

Ramanjit Singh Bedi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Jasdev Singh Mehndiratta, Advocate,
for the petitioner.**

Mr. Saurav Khurana, DAG, Punjab.

**Mr. Kulwant Singh Dhanora, Advocate,
for the complainant.**

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.24 dated 26.10.2018 under Sections 406, 498-A IPC, registered at Police Station NRI, District SAS Nagar, Mohali.

The aforesaid FIR was registered at the behest of complainant-Dolly Sodhi, whose marriage was solemnized with Gurdev Singh Bedi on 18.02.2017. As per complainant before marriage, her in-laws family has informed the complainant and her family that their son is living in Canada and is a permanent resident there. The complainant was engaged with Gurdev Singh Bedi on 16.11.2016 and the complainant family was informed that the accused do not want any dowry in the marriage, but at the same

time, Barati should be welcomed in respectable manner. Thereafter,

Gurdev Singh Bedi had gone back to Canada. Then on 26.01.2017, Gurdev Singh Bedi had come back from Canada and on 14.02.2017, their engagement was performed in Hotel Park Inn, Sector-35, Chandigarh. However, on 15.02.2017, the accused including the petitioner and the husband of the complainant raised some disputes with regard to dowry. With this situation, the complainant had decided not to perform the marriage. However, with the intervention of some family members, the matter was resolved and accordingly, the marriage was solemnized on 18.02.2017, wherein the dowry as detailed in the FIR was given.

Learned counsel for the petitioner has argued that though wife of the petitioner was also arrayed as an accused in the FIR, however during the course of investigation, she has been found innocent. He states that Gurdev Singh Bedi is residing in Canada. The petitioner is an old person of about 62 years of age and is retired from Punjab & Sind Bank. No recovery of any dowry articles is required to be effected from him.

Vide order dated November 21, 2018, this Court had referred the matter to the Mediation and Conciliation Centre of this Court. Thereafter, again the matter was sent for mediation on March 26, 2019. However, the matter could not be resolved between the parties.

Learned State counsel, on instructions from ASI Ravinder Singh, states that though the petitioner has joined the investigation, but recovery of dowry articles including the jewellery is yet to be effected in the case.

At the same time, learned counsel for the complainant has also argued that enough dowry including the gold was given in the marriage, but the same has yet not been recovered in the case.

Heard learned counsel for the parties.

Vide order dated November 21, 2018, this Court had directed the petitioner to join the investigation and to hand over the dowry articles lying in his possession. Petitioner is father-in-law of the complainant. Gurdev Singh Bedi-husband is the main accused in the case who is already in Canada. Moreover, anticipatory bail cannot be declined merely on the ground that some recovery is required to be effected in the cases.

Hon'ble Supreme Court in *Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836* has held that recovery of disputed dowry items may not by itself be a ground for denial of bail if maintenance or other rights of the wife/minor children can otherwise be protected. Similar view has also been taken by Hon'ble Supreme Court in *Social Action Forum for Manav Adhikar and another Versus Union of India, Ministry of Law and Justice and others 2018 (4) R.C.R.(Criminal) 226*.

Be that as it may, without observing anything on the merits of the case, but considering the age and relationship of the petitioner viz-a-viz complainant and the fact that real dispute of the complainant is with her husband, the present petition is allowed and the order dated 21.11.2018 whereby the petitioner was granted interim bail, is hereby made absolute, however, subject to his depositing Rs.10 lacs with the trial Court in the shape of FDR in the name of the petitioner, but lien would be created by the trial Court and the deposited amount shall be released to the parties as per the outcome of the litigation.

It is made clear that in case the petitioner is found guilty in the FIR, money will go to the complainant and in case the petitioner is acquitted

in the case, he be entitled to get this FDR encashed.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

August 19, 2019
seema

(HARI PAL VERMA)
JUDGE

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