

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : May 29, 2019

1. Criminal Misc. No. M-53089 of 2018 (O&M)

Manjit KaurPetitioner

versus

State of PunjabRespondent

2. Criminal Misc. No. M-55059 of 2018 (O&M)

Baldev SinghPetitioner

versus

State of PunjabRespondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. HS Batth, Advocate, for the petitioners

Mr. Saurav Khurana, DAG, Punjab, for the State with
ASI Makhan Singh, PS Women, Ludhiana

Mr. SPS Aulakh, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Since both the aforesaid petitions one by Manjit Kaur and
other by Baldev Singh for anticipatory bail having arisen in the same

FIR No. 83 dated 16.10.2018 under Sections 406, 498-A IPC, Police Station Women, Ludhiana are being taken up together for disposal.

The present case was got registered on the complaint of complainant wife Jasmit Kaur alleging that she has earlier made a complaint to the police on 17.7.2017 wherein she has detailed the facts that consequent upon her marriage on 16.11.2014 with Baldev Singh petitioner, her family had given articles of Ishtridhan and other dowry items as per their wishes and demand but on account of more demand by the accused side and unable to meet the same she was subjected to physical and mental torture compelling her to move an application but on account of assurance by the accused side, the same was filed. However, the accused had gone back on this undertaking before the police and thus moved subsequent application leading to the registration of the present case in which the precise grounds were physical and mental torture as well as criminal breach of trust qua her articles of Ishtridhan.

Heard Mr. HS Batth, Advocate, for the petitioners; Mr. Saurav Khurana, DAG, Punjab, for the State; Mr. SPS Aulakh, Advocate, for the complainant and perused the records.

It is interalia contended by the counsel for the petitioners that Manjit Kaur petitioner is widowed lady who resides in another

State whereas her son Baldev Singh is residing in Punjab and thus, she has no role to play in this matrimonial dispute between the husband and the wife. It is further argued by the counsel that neither there is any specific allegations of entrustment of Ishtridhan to any of the accused and therefore, the question of embezzling the same does not arise and has termed the allegations to be concoction and figment of imagination of the complainant wife.

Learned State counsel assisted by counsel for the complainant have opposed the grant of bail on the grounds that the complainant wife had in her initial statement levelled specific allegations against the accused side for having ill-treated her on account of demand of dowry and having harassed her to pressurize to claim more, she has lodged the complaint and it was under the guise of settlement, the petitioners had made her a false promise from which they have backed out and therefore, the petitioners are not entitled to any relief on account of their act of cheating the poor complainant and for recovery of articles of Ishtridhan necessitates their custodial interrogation.

Appreciating the arguments of the two sides it is admitted stand of the two sides that Manjit Kaur petitioner mother of accused Baldev Singh is residing in another State separate from the family of

her son accused Baldev Singh. A close look at the allegations that have cropped up in her initial complaint and subsequent claim neither there is any specific entrustment of articles of Ishtridhan to petitioner Manjit Kaur much less any claim that she has put the same to her own personal use. Thus, petitioner Manjit Kaur who is also a widowed lady is certainly entitled to the concession of anticipatory bail. Accordingly, CRM-M-53089-2018 is allowed and the interim bail granted to the petitioner vide order dated 5.12.2018 is made absolute till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. The petitioner shall abide by the conditions laid down in Section 438(2) Cr.P.C.

Petitioner accused Baldev Singh being husband and having tortured the complainant wife as per the allegations and the articles of dowry detailed in the list comprising of house hold articles and other wearing apparels including gold ornaments which were admittedly handed over to the accused side and kept at their place of residence necessitates custodial interrogation of petitioner Baldev Singh. Thus, in the case of Baldev Singh it is not a fit case for grant of bail and CRM-M-55059-2018 stands dismissed.

The observations made herein above shall have no

bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 29, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No