

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

CRM-M No.54197 of 2018 (O&M)

Date of decision: 7th May, 2019

Santro @ Santresh & another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ivneet S. Pabla, Advocate for the petitioners.

Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

None for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioners Santro alias Santresh and Bira Ram, mother-in-law and father-in-law respectively of the complainant Shoba Rani in this first anticipatory bail application filed under Section 438 Cr.P.C. in case bearing FIR No.209 dated 28.09.2018 registered at Police Station Mullana, District Ambala under Sections 323, 328, 494, 498-A, 406 IPC are to the effect that marriage of the complainant with Gulshan Kumar, son of the petitioners, took place on 28.03.2017 and that the husband in connivance with his family was demanding car from the parents of the complainant and on account of non-fulfillment of the same, the complainant alleges that she was physically and mentally tortured and has even levelled allegations that the accused have tried to poison her and also tried to forcibly admit her in

a mental asylum. The complainant has further claimed that she had come across a photograph of the husband with another lady, leading to registration of the present case.

Learned counsel for the petitioners Mr. Ivneet Singh Pabla submits that a bare perusal of the allegations in the FIR, no specific role is attributed to the petitioners in commission of the offence as there is no specific allegation of demand of dowry or physical or mental cruelty by the petitioners and being senior citizens their joining the investigations will suffice the purpose.

Learned State counsel on instructions from ASI Ravinder Kumar, Police Station Mullana, District Ambala though does not displace the facts canvassed before this Court by learned counsel for the petitioners, but has sought to oppose the grant of relief on the grounds of heinousness of the offence.

Appreciating the submissions of the two sides, the petitioners are aged mother-in-law and father-in-law, and a bare perusal of the FIR shows that no specific role is attributed to the petitioners. More so, as per the own stand of the State, offence under Section 328 IPC has since been deleted and to the specific query of the Court learned State counsel could not show any evidence regarding commission of offence under Section 494 IPC in which the present petitioners are involved. Thus, this Court is of the view that it is a fit case for grant of relief. Accordingly, in the event of arrest, petitioners are ordered to be released on bail to the

satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). They shall 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, 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 7, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No