

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

CRM-M-27895-2019

Date of decision:17.12.2019

GURCHARAN SINGH AND ANR

....Petitioners

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gurinder Singh Hayer, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG, Punjab
assisted by HC Kewal Singh.

Mr. Manik Makkar, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.71 dated 24.5.2016, registered under Sections 419, 494, 498-A, 120-B IPC, Police Station, Lehra, District Bathinda.
2. The FIR was lodged at the instance of Harbans Kaur wherein it has been alleged that her marriage was solemnized with Jhanda Singh son of the petitioners on 9.3.2003 and her parents had given dowry much more than their financial capacity but the accused were not satisfied with the same and started harassing her in order to press upon their demands of more dowry. It has further been submitted that complainant had come to know that her husband Jhanda Singh has solemnized second marriage with one

Neelam Kumari by concealing his true name Jhanda Singh and by representing himself to be Nishan Singh and that his parents also connived with him inasmuch as his father (petitioner No.1) disclosed his name fictitiously as Gurbachan Singh instead of Gurcharan Singh.

3. The matter was investigated by the police and upon conclusion of investigation '*Challan*' was presented against Jhanda Singh only. However upon presentation of '*Challan*' and after recording of evidence, an application under Section 319 Cr.P.C. was moved and the petitioners were summoned with the aid of Section 319 Cr.P.C.
4. The petitioners apprehending their arrest seek anticipatory bail.
5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that entire allegations of demand of dowry and regarding their alleged connivance with Jhanda Singh for the purpose of his alleged second marriage have all been cooked up falsely.
6. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since there are specific and categorical allegations levelled against the petitioners, no case for grant of bail is made out.
7. Having considered rival contentions addressed before this Court and bearing in mind that it is a case where the petitioners have been summoned under Section 319 Cr.P.C. and both of them are stated to be aged more than 70 years, it is not a case warranting custodial investigation at this stage. It is not disputed that pursuant to interim

directions, the petitioners have appeared before the trial Court. Consequently the petition is accepted and the interim directions issued vide dated 4.7.2019 by this Court are hereby made absolute with liberty to trial Court to impose any other condition as deemed fit to ensure regular appearance of the petitioners during proceeding of trial.

(GURVINDER SINGH GILL)
JUDGE

17.12.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No