

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

CRM-M No.31194 of 2019

Date of decision: 20th August, 2019

Bhupinder Singh & another

... Petitioners

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vinod K. Kataria, Advocate for the petitioners.

Mr. Sandeep Kumar, Dy. Advocate General, Punjab
for respondent No.1/State.

Mr. Paramjit Batta, Advocate for respondent No.2.

FATEH DEEP SINGH, J.

The accused petitioners Bhupinder Singh and his wife Sukhjeet Kaur, who happen to be the parents of accused non-applicant Dr.Ranbir Singh, have sought anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.22 dated 01.06.2019 got registered under Sections 498A, 406 and 120B IPC pertaining to Police Station NRI Mohali lodged at the behest of Jasmeet Kaur wife of Dr.Ranbir Singh through her father Harbans Singh. The allegations, in brief, are to the effect that marriage between the couple took place in India on 27.11.2010, wherein costly items like gold etc. were given as Istridhan and handed over to the accused which is detailed in the list annexed with the petition. Thereafter the wife, who was residing in United States of America, sponsored the husband accused non-applicant Dr.Ranbir Singh, who too joined his wife in USA. The couple has been bestowed with a girl child, however, during

the course of matrimonial life, a dispute arose between the couple. The wife through her father filed a complaint alleging hostile and abnormal behaviour of the husband and who without any rhyme or reason, misbehaved with the wife and also raised demand of a luxury car and cash amounting to ₹20/30 lacs. The husband is alleged to have physically assaulted the wife on a number of occasions and also raised a demand that the plot in the name of mother of the wife be given to him. The complainant has alleged that her articles of Istridhan which were in possession of the accused including the present petitioners, have been usurped and they have refused to return back the same.

Learned counsel for the petitioners Mr. Vinod Kumar Kataria, Advocate has advanced lengthy arguments claiming that the couple was residing in USA and had initiated against each other litigation there including one for divorce in the Court at Indiana and it is after one year of the same, the present case has been got registered as a counter-blast, an arm-twisting tactic. It is contended by learned counsel for the petitioners that they are aged persons and that they have joined the investigations and therefore, the relief prayed for deserves to be granted to them. Learned counsel has also placed on record copy of the orders of the Hon'ble Supreme Court of India in case bearing Petition for Special Leave to Appeal (Crl.) No.6845/2019 dated 09.08.2019.

Learned State counsel Mr. Sandeep Kumar, Dy. Advocate General, Punjab on instructions from SI Balbir Singh, Police Station NRI Cell, Mohali assisted by Mr.Paramjit Batta, learned counsel representing respondent No.2 have taken the stand in opposing the relief prayed for by

the petitioners, firstly on the ground that though the petitioners have appeared before the investigating officer but have not fully cooperated and have even declined to hand over the articles of Istridhan and thus, their custodial interrogation is very much essential. Secondly, it is submitted by learned State counsel that the articles of Istridhan are vital piece of evidence which will throw light to establish the culpability of the accused in this crime and thus prayed for dismissal of the same.

In the light of arguments of the two sides and the fact that a categorical stand has been taken by the State that the petitioners have not fully cooperated with the investigating agency and have even refused to hand over the articles of Istridhan, are matters of much significance. As is there in the allegations, prima-facie there are clear-cut details of the articles of Istridhan including gold jewellery, belonging to Jasmeet Kaur, the household goods including refrigerator and furniture etc. which were given at the time of wedding and from her Istridhan, which remain in the custody of the petitioners till date. Non-handing over these articles stifles fair investigations and trial. Thus, in the light of the same, custodial interrogation of the petitioners is very much essential. The mere premise that the petitioners are aged persons, is no extenuating circumstance in the light of these allegations. Finding no merit, the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

August 20, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No