

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

**CRM M-36830 of 2019
Date of Decision: October 22, 2019**

Abdul Ghaffar and anotherPetitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Arihant Jain, Advocate
for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Raghav Goyal Chandiwala, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

Petitioners/couple Abdul Gaffar and Najira @ Najira Begum, who happened to be father-in-law and mother-in-law of the complainant have sought anticipatory bail by the aid of Section 438 Cr.P.C. in FIR No. 300 dated 06.08.2019

under Sections 342, 354 and 498-A IPC and Section 323 IPC (added later on) registered at Police Station Zirakpur, District S.A.S. Nagar, Mohali.

Complainant-Razina Parveen, who is wife of Dilshad Akhtar son of the petitioners has alleged that she was married around 06 years prior to this occurrence and that the in-laws were not happy with the dowry and often used to physically harass her for more dowry articles, for which, she has also been beaten leading to the registration of the present case.

Learned counsel for the petitioners *inter alia* contends that bare perusal of the FIR does not detail any single instance of act of cruelty and there are only general and vague allegations on account of some matrimonial issues in the family arguing that nothing is to be recovered from the petitioners and that their joining the investigations will suffice the purpose.

Learned State counsel Mr. Pawan Sharda, Sr. DAG, Punjab assisted ASI Nathi Ram and Mr. Raghav Goyal Chandiwalla, learned counsel for the complainant though does not dispute the facts that have been brought to the notice of the Court by the petitioners side but has opposed the grant of the bail on the ground that a married lady has been assaulted and thus, they are not entitled to any relief.

Appreciating the submissions of the two sides, admittedly, the petitioners are aged in-laws of the complainant and, as has been argued, there is no specific instance with date,

particulars and the place alleged by the complainant on whom the cruelty has been heaped upon and rather there are insinuations of physical assault and cruelty and nothing is to be recovered from the petitioners. Culpability, if any, of the petitioners shall be determined at the trial which is not likely to be concluded in the near future, Therefore, in the event of arrest, the petitioners be released on *interim* bail to the satisfaction of Arresting/Investigating Officer. The petitioners shall, however, join the investigation as and when called for to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed of.

October 22, 2019

amit rana

**(FATEH DEEP SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No