

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

**CRM-M No.27844 of 2017
Date of Decision.06.02.2020**

Surjit Kumar and another

...Petitioners

Vs

State of U.T., Chandigarh

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R. Kartikeya, Advocate
for the petitioners.

Mr. Anil Kumar Lamdharia, Addl. P.P., U.T., Chandigarh.

Mr. P.S. Chauhan, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

1. This is a petition that has been filed for grant of anticipatory bail in FIR No.61 dated 11.06.2017 under Sections 406/498-A IPC at Police Station Women, Sector 17, Chandigarh to the petitioners, who are none other than parents-in-law of the complainant. Petitioner No.2 Nirmala Devi is stated to have died during pendency of the instant petition. Petition quaher is accordingly disposed of as infructuous.

2. In brief, the facts of the care are that marriage between the son of petitioners and complainant was solemnized, however, a dispute arose between them, which resulted into lodging of the FIR. The husband of the complainant did not join investigation and consequently, he has been declared a proclaimed offender. The parents-in-law/petitioners have approached this Court and an attempt was made by the Court to have the matter resolved amicably. During the proceedings in the Court, various attempts were made by this Court to ensure welfare of the minor child and

petitioners herein had also given an offer that they would undertake entire burden of education of the minor child, which was not accepted. Subsequent thereto, it was decided that they would transfer their land in favour of minor child by way of gift deed, which has been done.

3. Learned counsel for the complainant submits that only some articles have been recovered and rest are yet to be recovered.

4. Learned counsel appearing on behalf of the respondent-State on instructions from the IO submits that petitioners have already joined the investigation.

5. I have heard learned counsel for the parties.

6. Since the petitioner No.1 has joined the investigation and now a gift deed has been executed by him to secure the interest of the minor child, interim order dated 01.08.2017 qua petitioner No.1 only is hereby made absolute, subject to his joining investigation as and when called upon to do so and his abiding by the conditions as provided under Section 438(2) Cr.P.C. Petition qua petitioner No.1 is allowed accordingly. Needless to say that the complainant-mother, who is the guardian of the minor child, is always at liberty to ask for partition of the property and to be put in possession of the share of the minor.

(JAISHREE THAKUR)
JUDGE

February 06, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No