

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

CRM-M-37424-2020(O&M)

Date of decision : 12.11.2020

Nirmal Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Karan Gupta, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Ms. Puja Chopra, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.1 dated 04.03.2020 under Sections 406, 498-A of Indian Penal Code, 1860 registered at Police Station N.R.I., Patiala.

The allegations in the FIR are that the complainant, Baljit Kaur, was married to Kashmir Singh on 09.12.2017 and, thereafter, the marriage was also got registered before the Sub-Registrar. At the time of marriage, sufficient dowry articles including 20 tolas gold and cash amount of Rs.5 Lakhs was handed over to the family of the groom. Out of the wedlock, a daughter, Manjit Kaur, was born. After the marriage, the husband of the complainant is alleged to have gone to Germany on 09.04.2018. The complainant is alleged to have later come to know that her husband was

already married and had committed a fraud with her. In the absence of the husband, the in-laws i.e. mother-in-law and the petitioner herein, who is her father-in-law, started torturing the complainant for having brought insufficient dowry. It is also the allegation of the complainant that neither her husband is paying her any maintenance nor attending to her phone calls. It is further the allegation that she has been shunted out of her matrimonial house and her articles of *Stridhan* and certain documents including her passport and certificates have been retained by the accused.

Learned counsel for the petitioner has contended that the mother-in-law of the complainant has already granted regular bail by the Court below. It is further the contention of learned counsel for the petitioner that the petitioner herein is 75 years of age and that he has falsely been implicated in the present case. It is further contended that the petitioner and his wife had disinherited/disowned the complainant and her daughter as also their son by giving a public notice in the newspaper.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, who has joined the session through video conferencing, accepts notice on behalf of the respondent-State. Ms. Puja Chopra, Advocate has also put in appearance on behalf of the complainant.

Learned State counsel, on instructions from Sub Inspector Geeta Rani, has contended that the husband of the complainant is in Germany and the mother-in-law has been granted regular bail by the Court below. Qua the petitioner, it has been stated that the petitioner is alleged to have been ill-treating the complainant and shunted her out of the house and

all her *Stridhan* articles as well as her documents were retained by her in-laws.

Learned counsel for the complainant has pointed out to the order dated 29.10.2020 passed by the Additional Sessions Judge, Patiala wherein it has specifically been noted that the counsel for the applicant therein, i.e. petitioner herein, had specifically undertaken to get *Stridhan* articles of the complainant recovered, however, not a single article had been recovered.

I have heard learned counsel for the parties.

The matter was heard in the pre-lunch session and was, thereafter, passed over for learned counsel for the petitioner to get instructions whether he was willing to return the *Stridhan* articles of the complainant as well as her documents. The matter has now been taken up in the post-lunch session and the learned counsel for the petitioner, on instructions, has stated that there are no *Stridhan* articles or documents of the complainant and that the statement was made by the counsel for the applicant (petitioner herein) before the Additional Sessions Judge, Patiala without instructions.

In the present case, detailed allegations have been made by the complainant in the FIR. The husband of the complainant has left the country and is residing in Germany. The complainant is alleged to have been left at the mercy of the in-laws who, thereafter, had disinherited the son as well as the complainant and her daughter. The husband of the complainant, who is in Germany, is not paying her a single penny as maintenance and in fact, as per the counsel for the complainant, the husband has blocked her and she is

unable to get in touch with him even on the phone. The mere fact that the in-laws i.e. mother-in-law and the petitioner herein, have taken a step to disinherit the complainant, her husband and her daughter, *prima facie* appears to have been done merely to avoid giving any sort of alimony or any maintenance to the complainant herein. Despite being given an opportunity to return the *Stridhan* articles of the complainant by the Trial Court as well as by this Court, there has been complete refusal on the part of the petitioner to do so on the ground that nothing has been retained by them. It is apt to note that it is not denied that after the husband of the complainant had left for Germany, the complainant was residing with her in-laws and it was only thereafter that the notice disinheriting/disowning the complainant, her daughter and her husband was got published by the in-laws.

In view of the above, I do not deem this to be a fit case for grant of anticipatory bail to the petitioner. Accordingly, the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

12.11.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO