

210.

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

CRM-M-2728-2021

Date of Decision: 31.08.2021

(Heard through VC)

LAKHWINDER SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bhrgu Dutt Sharma, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
for respondent No.1.

Mr. Balbir Singh Saini, Advocate,
for respondent No.2-complainant.

JAISHREE THAKUR.J (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.6, dated 19.11.2020, registered under Sections 406, 498-A of IPC at Police Station NRI, Police District Jalandhar (Rural), District Jalandhar.

Counsel for the petitioner herein would contend that the marriage of daughter of complainant was solemnized with the son of the petitioner in the year 2016 after which the daughter of the complainant visited Australia on a Visitor Visa and then came back to India. A permanent resident visa was given to her and she returned to Australia and started residing there with the son of the petitioner

herein. It is submitted that there is an allegation in the FIR that there was a demand for Australian dollars to buy a plot which amount was transferred. However, the petitioner had no role to play thereunder as money stood transmitted to the son of the petitioner and his wife. It is further argued that on account of a matrimonial discord between the husband and his wife, divorce proceedings were initiated and divorce was granted by an order dated 08.09.2020. Domestic violence proceedings were also initiated in which child support order has been passed. It is only thereafter that the instant FIR has been registered in India. Counsel further contends that a compromise was effected in the police station wherein it was agreed that the petitioner herein would return an amount of Rs.21 lakhs in lieu of the stridhan. However, it is argued that a settlement which was arrived at in police station was under coercion as the complainant is Inspector in CIA, Punjab Police.

At this stage, learned counsel appearing on behalf of the respondent No.2-complainant opposes the grant of anticipatory bail by contending that the terms of compromise have not been adhered to and the settled amount has not been paid in lieu of dowry articles that have been retained by the petitioner herein. He also relies upon a judgment rendered by the Hon'ble Supreme Court in ***Mohinder Kaur Versus State of Punjab-2008(2) R.C.R. (Criminal) 490*** wherein bail was denied as Sections 406, 498-A IPC in regard to the demand and misappropriation of dowry articles had been alleged.

Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Sohan Singh, would submit that the petitioner has

joined investigation. However, the compromise arrived at has not been adhered to and the dowry articles have not been recovered.

I have heard learned counsel for the parties and perused the pleadings of the case and while taking into account the fact that the petitioner herein has joined the investigation, this Court deems it appropriate to confirm the interim bail granted to the petitioner vide order dated 21.01.2021.

As regards the objections raised by the counsel for the respondent No.2-complainant that the dowry articles have not been recovered and the compromise has not been given effect to, it would be a matter of trial. The arguments that the compromise arrived at the police station is under duress and pressure, would be taken care of by the trial Court. There is catena of judgments to the effect that if a person has joined investigation, he cannot be denied bail only on account of the fact that the dowry articles have not been recovered. Reliance in this regard can be placed upon ***Bhupinder Singh etc. Versus State of Punjab, 2014(2) R.C.R. (Criminal) 109; Beant Singh and another Versus State of Punjab, 2011(2) R.C.R. (Criminal) 381; Prit Pal Singh Versus State of Punjab and another, 2014(5) R.C.R. (Criminal)*** and ***Anil Rajput and others Versus State of Haryana, 2010(6) R.C.R. (Criminal) 1126***. It would be worthwhile to note that the petitioner herein is the father-in-law of the daughter of the complainant and his daughter had gone to Australia as far back as in 2017 and is currently residing in Australia and out of which relationship (wedlock), a child was born. She is still residing in Australia though separately.

In view of above, the instant petition is allowed and the order dated 21.01.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

(JAISHREE THAKUR)
JUDGE

31.08.2021
sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No