

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 3895-2018 (O&M)

Date of Decision: 20.09.2021

Madan Lal and another

..... Petitioners

VERSUS

State of Haryana and another

.... Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Rahul Deswal, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Parminder Singh, Advocate
for the complainant.

JAISHREE THAKUR, J.(Oral)

1. This is a petition that has been filed for grant of anticipatory bail to the petitioners in FIR No. 419 dated 06.11.2017 registered under Sections 406, 498-A, 506 IPC at Police Station Madhuban, Karnal, District Karnal.

2. Learned counsel for the petitioners would contend that they have been falsely implicated in the said FIR which has been registered at the behest of Sonia Rani wife of their son Surinder Kumar.

3. In brief the facts as culled out from FIR are that the complainant was married to Surinder Kumar on 02.12.2014 and , out of this wedlock one son namely Abhimanyu born. Sonia's mother sold 4 acres of land and spent Rs.40 lakhs on her marriage. She was kept nicely for a few

days but thereafter the accused persons started to ill-treat her while compelling her to bring more money from her mother. A car had been given in dowry which met with an accident on 27.05.2015 and the insurance money was retained by the accused persons. The petitioner No. 1-Madan Lal took a sum of Rs.4,50,000/- from the mother of respondent No. 2, which have been given out of her savings. It is further submitted that her 31 *tolas* of gold and *Istridhan* given to her at the time of marriage had been financed with Muthoot Finance. Apart from the allegations that her husband- Surinder Kumar received a sum of Rs.25 lakhs from the mother of the complainant assuring her that he would keep her daughter in a nice manner. The money taken from the mother was to be given as earnest money for the purchase of the house but the accused took a vacant plot in his own name after taking a loan in his own name. In the FIR, it was submitted that all accused were co-conspirators in committing a fraud upon the complainant. The bail application of the petitioners, who are the in-laws of the complainant were rejected by the Court below taking into consideration the allegations as set out in the FIR.

4. Learned counsel for the petitioner would contend false implication and submit that the main allegations are against Surinder and no specific allegations have been made against the mother- in-law and the father-in-law. It is also argued that an attempt should be made to re-concile the differences between the parties.

5. Per contra, learned counsel appearing for the complainant would contend that the complainant has been duped right from the very beginning. A fraud had been played upon her by the parties concerned, as

wrong information was given to her about the educational qualifications of the son of the petitioners. It is also submitted that her gold and *Istridhan* was retained by the petitioners and then their son Surinder got a loan by mortgaging the same with Muthoot Finance. It is also submitted that Madan Lal, petitioner No. 1 had taken Rs.4.5 lakhs from the mother of the complainant promising to return the same. However, the same has yet to be recovered. It is also pointed out that during the proceedings of this Court, there is a statement given by the counsel for the petitioners that all the gold ornaments are pledged with the Muthoot Bank, Kurukshetra wherein the Court had ordered the petitioners to pay the equivalent amount by order dated 21.11.2018. However, no such payment has been made yet.

6. Learned counsel for the complainant would also point out the order dated 29.08.2019 wherein a photocopy of the letter issued by the Muthoot Finance Limited was taken into account which would reflect that 123.5 grams of gold is still lying mortgaged with the bank and that gold weighing about 180.3 grams have been given back but the same has not been returned to the complainant.

7. I have heard learned counsel for the parties and have also interacted with the parties through Video Conferencing. On the asking of the Court, whether there was a possibility of the amicable settlement, the complainant wife is averse to the same by contending that a fraud had been played upon her right from the very beginning of her marriage and she and her mother had been defrauded by the parties concerned.

8. I have also perused the contents of the FIR. Admittedly there are specific allegations against Surinder Kumar but there are also

allegations against the present petitioners herein which would reflect that they are party to all the harassment meted out to the complainant herein and the fraud played upon her. There is also a specific allegation that Madan Lal, petitioner No.1 had taken money from the mother of the complainant which is yet to be recovered and that the *Istridhan* as well as the gold articles are also in the possession of the accused persons. There are also allegations that the accused-petitioner No. 1 purchased a vacant plot in his own name and got the bank loan in the name of the complainant by forging the signatures of the complainant.

9. Accordingly, for proper and effective investigation of the matter, the custodial interrogation of the petitioners would be required keeping in view the allegations made in the FIR. This petition is therefore dismissed, being devoid of merit.

10. Other miscellaneous applications, if any, pending on date are disposed of accordingly.

20.09.2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No