

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM-M-35347-2021

Date of Decision: 28.09.2021

Paramjit Kaur

--Petitioner

Versus

State of Punjab

--Respondent

2. CRM-M-38301-2021

Tara Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. B.S. Khehar, Advocate for the petitioner
(in CRM-M-35347-2021).

Mr. P.S. Ahluwalia, Advocate for the petitioner
(in CRM-M-38301-2021).

Mr. M.S. Nagra, A.A.G., Punjab.

Mr. H.S. Jugait, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

By way of this common order, I intend to dispose of the aforementioned two petitions arising out of the same FIR in view of the similar factual matrix.

Both these petitions have been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioners in case FIR No.386 dated 1.7.2021 under sections 313, 406, 498-A, 120-B I.P.C, registered at Police Station, Zirakpur, District S.A.S. Nagar.

It has been vehemently contended by learned counsel for the petitioners that both the petitioners have been falsely implicated in the present FIR and the complainant namely Rupinder Kaur had filed the present FIR only in order to harass the petitioners, who are senior citizens being mother-in-law and father-in-law respectively. It was alleged in the FIR that the marriage of the complainant took place on 8.2.2020 with Ranjit Singh Bangu son of the petitioners before this Court. It was further alleged that at the time of the marriage one i 20 car, 20 tolas gold and other articles were given, however, the in-laws started harassing the complainant soon thereafter for the demand of dowry and kept on creating harassment and cruelty. It was alleged that on 19.8.2020 the accused including both the petitioners gave beating to the complainant while she was pregnant which resulted in miscarriage of the complainant. On the basis of these allegations the FIR was registered for taking the legal action against the accused. Being aggrieved, petitioners approached learned Addl. Sessions Judge, S.A.S Nagar, Mohali for grant of anticipatory bail. Learned Addl. Sessions Judge after hearing the parties, declined the same. Aggrieved by the same both the petitioners have approached this Court for grant of regular bail by filing the present petitions.

Learned counsel for both the petitioners vehemently submit that petitioners are falsely implicated in the present FIR and the allegations levelled in the FIR are totally concocted and fabricated. It has been contended that the alleged occurrence took place on 19.8.2020, whereas the complaint had been given on 25.11.2020. This delay has been used to give a colored version to the FIR. The argument has been advanced refuting the offence under Section 313 I.P.C. It has been vehemently contended that the

medical record would show that the complainant was admitted in the hospital on 19.8.2020 and discharged on 20.8.2020. It would further show that the complainant had been going to the Govt. Hospital from the very beginning and the ultrasound was performed on 10.7.2020. The medical record would reveal that the consent form/PTICUE anesthesia etc. have been signed by the complainant herself showing that she had given the consent for the same and in view of the same, counsel would submit that no offence under Section 313 I.P.C is made out and thus false implication of the petitioners is *writ large*. It has also been contended that the petitioners are senior citizens and are behind bars since 12.7.2021. The investigation is already complete and hence their custody is totally unwarranted.

Learned counsel appearing on behalf of the complainant has vehemently opposed the arguments raised by learned counsel for the petitioners. Counsel would submit that there are specific allegations against the petitioners causing harassment and cruelty to the complainant. He has further submitted that both the petitioners are accused of serious offence under Section 313 I.P.C and thus deserve no leniency.

Learned State counsel has argued that though both the petitioners are senior citizens but there are specific allegations against them. He would submit that in all there are 6 accused in this case out of which 3 are behind bars, one is on anticipatory bail, whereas remaining 2 are yet to be arrested. It is further contended that investigation in this case qua the present petitioners is already complete and the challan stands presented.

I have heard learned counsel for the parties at length and have gone through the records made available.

It is evident that the marriage in question took place on 8.2.2020 and soon thereafter there arose a matrimonial discord between the parties. In all 6 accused have been named in the FIR. The veracity of the allegations of the respective parties could be ascertained only after leading the evidences before the learned Trial Court. However, confining to the prayer of regular bail, the factual aspects that both the petitioners are senior citizens and are behind bars since 12.7.2021 and the investigation qua them is already complete and challan stands presented, are not disputed.

In the totality of circumstances and without making any observations on merits, this Court finds that both the petitioners deserve to be enlarged on bail. Accordingly, both the petitions are allowed. Petitioners be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

28.09.2021

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