

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30385-2020 (O&M)
Date of Decision:-19.1.2021

Jai Chand and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurabh Sharma, Advocate for the petitioners.

Ms. Sheenu Sura, DAG, Haryana,
assisted by HC Rekha.

Mr. Kanwaljeet Singh Derabassi, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-1246-2021

In view of the reasons mentioned in the application, the same is allowed and the document annexed with the application is taken on record as Annexure C-1.

CRM-M-30385-2020

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.96 dated 1.8.2020 at Police Station Women Yamuna Nagar, District Yamuna Nagar under Sections 498-A, 406, 323 and 506 of Indian Penal Code.

2. The FIR was lodged at the instance of Monika, wherein it has been alleged that her husband, her father-in-law, her mother-in-law and her sister-in-law used to give her taunts for having brought less dowry and she was harassed. It is alleged that her husband was habitual of consuming liquor and other intoxicants and under the influence of alcohol used to giving beatings. It is further alleged that her husband went to America in February 2020 and has not done any paper work for taking her as well to America and rather he used to call the parents of complainant under influence of liquor and hurled abuses to them and also used to state that he had found someone else in America. The complainant also alleged that she was 6 months pregnant and that her father-in-law and mother-in-law insisted upon her to get the gender of the fetus determined and upon her refusal to do so they harassed her physically and mentally as well and later when she was unable to bear the torture, her brother took her from her in laws house, where she has been staying till date.
3. Learned counsel for the petitioners has submitted that it is a case of matrimonial discord, which has been given the colour of a criminal offence. It has further been submitted that, in any case, the petitioners being father-in-law and mother-in-law cannot be said to have caused any harassment and a perusal of the FIR would show that the complainant is mainly aggrieved on account of the fact that her husband was a drunkard and had not taken her to America.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant, has submitted that since there are specific and categorical allegations against the petitioners, no case for grant of bail is made out.

5. Learned counsel for the complainant has submitted that the complainant's husband has not even paid anything for maintaining the new born child of the complainant, who was born on 3.9.2020.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the nature of allegations it is apparent that it is a case of matrimonial discord amongst the parties.
8. Pursuant to order dated 30.9.2020, the petitioners are stated to have deposited the amount of ₹2 lakhs with the Illaqa Magistrate. The allegations do not warrant custodial interrogation of the petitioners, who are father-in-law and mother-in-law of the complainant. Consequently, the present petition is accepted and the interim directions issued by this Court vide order dated 30.9.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
9. It is further ordered that in case the petitioners have not already surrendered their passports before the Trial Court, the same be done immediately, which shall be taken to be a condition precedent for confirmation of the bail.

19.1.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No