

207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5038-2022

Date of Decision: 15.12.2022

RAMESH JAIN AND ANR ... PETITIONERS
VS.
STATE OF U.T. CHANDIGARH .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Eknor Kaur Sara, Advocate
for the petitioners.
Mr. Abhinav Gupta, Addl. PP for U.T.Chandigarh.
Mr. Nishant Maini, Advocate for the complainant.

VIVEK PURI, J.(ORAL)

On 08.02.2022, the following order was passed:-

“Petitioners are seeking anticipatory bail under Section 438 Cr.P.C in the case bearing FIR No. 05 dated 05.01.2022, under Sections 406/498-A IPC, 1860 and Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. 1989, registered at Women Police Station, | District Chandigarh.

FIR has been registered on the basis of the complaint submitted by the daughter-in-law of the petitioners.

Learned Sr. counsel for the petitioners contends that the petitioners are the father-in-law and mother-in-law of the complainant. The marriage of the son of the petitioners was solemnized on 17.01.2021 with the complainant and the same was registered on 19.01.2021. Subsequently, the function was held in the Oberoi SukhVilas on 22.01.2021. The son of the petitioners is residing in USA for the last 09 years and after the marriage left for USA on 25.01.2021. The controversy is with regard to the VISA pertaining to the complainant. The dispute, if any, is primarily between the son of the petitioners and his wife. There is no allegations with regard to entrustment of any dowry articles. Furthermore, with regard to the offence under Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 vague allegations have been levelled without specifying any incident. Moreover, there are allegations to the effect that the petitioners were not in favour of the matrimonial alliance as the complainant belong to the Scheduled Castes Community. As such, it will be debatable as to whether the penal provisions of SC & ST Act are attracted in the instant case or not.

Notice of motion.

Mr. Abhinav Gupta, Addl. PP for UT, Chandigarh accepts the notice on behalf of the respondent-State.

Ms. Anu Chatrath, Sr. Advocate accepts the notice on behalf of respondent No.2/complainant.

The application is resisted on the ground that the reply filed by the respondent-UT, Chandigarh and respondent No2/complainant in the Court below has not been annexed herewith wherein it has been mentioned that the petitioners had not joined the investigation despite issuance of notice under Section 41 Cr.P.C.

Furthermore, learned Sr. counsel for the petitioners as well as learned Sr. counsel for the complainant have stated that the possibility of amicable settlement through mediation may also be explored in the instant case as it is a matrimonial dispute.

The parties are directed to appear before the Mediation and Conciliation Centre of this Court on 02.03.2022.

To await the report, list again on 29.04.2022.

Meanwhile, it is directed that in the event of arrest, the petitioners be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners contend that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation and furthermore, the matrimonial dispute has been amicably settled between the parties.

Learned APP for U.T. Chandigarh, on instructions from Inspector Balbir Singh, has not disputed the aforesaid factual aspect and further submits that custodial interrogation of the petitioner is not required.

Learned counsel for the complainant has also not dispute the factual assertion with regard to the compromise as put forth on behalf of the petitioners.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 08.02.2022 vide which the petitioners have been granted interim bail, is made absolute.

Petition is allowed.

15.12.2022
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(VIVEK PURI)
JUDGE

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