

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 212

CRM-M-26520-2022

Date of decision : 08.08.2022

Munshi Lal Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Priyavrat Parashar, Advocate, for the petitioner.

Ms.Monika Jalota, DAG, Punjab.

Mr.Arnab Kumar, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.64 dated 10.04.2022 registered under Sections 406, 498-A, 420, 120-B and 181 of IPC at Moti Nagar Police Station, Ludhiana.

On 15.06.2022 this Court had passed the following order: -

“The petitioner is seeking pre-arrest bail in FIR No.64 dt.10.04.2022 under Sections 406, 498-A, 420, 120-B & 181 IPC registered at Police Station Motinagar, Ludhiana, Punjab.

As per the complaint lodged by the complainant, who is the daughter-in-law of the petitioner, the marriage between the son of the petitioner and complainant took place on 14.01.2019, that the petitioner's son, who lives in Australia, was supposed to make arrangements for spouse visa/visitor visa for the complainant to travel to Australia, that inspite of a compromise having been arrived at on 01.10.2021 by the petitioner to make such arrangements through his son, it was not honoured.

It is also contended that certain items were entrusted as dowry to the petitioner at the time of the marriage of the complainant with the petitioner's son, and that the complainant who was previously employed as a Nursing Officer in Military Nursing Services was made to leave her job at the time of her marriage.

Counsel for the petitioner contended that the matter of issuance of spouse visa/visitor visa is not under the control of the petitioner, that the allegations of harassment leveled by the complainant are not true, and the petitioner cannot be blamed if his son does not send the requisite papers for spouse visa/visitor visa to the complainant. It is also contended that Section 406 IPC was not enacted for recovery of dowry articles, and only to humiliate the petitioner, the complaint was made.

Notice of motion for 08.08.2022.

At the asking of the Court, Mr.Karanbir Singh, AAG, Punjab accepts notice on behalf of the respondent/State.

Mr. Arnav Kumar, Advocate accepts notice on behalf of the complainant and filed his power of attorney which is taken on record. He opposed the grant of pre-arrest bail and reiterated the contents of the FIR. However, he does not dispute that the issuance of spouse visa/visitor visa is not in the hands of the petitioner and it is the High Commission of Australia, which would do the needful.

In view of the above, petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any. ”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined investigation; has cooperated with the investigating agency and that his custodial interrogation is not required by the State.

Learned counsel for the complainant submits that the petitioner and the complainant have amicably resolved their dispute.

In the light of the reasons stated in the afore quoted order, the statement made on behalf of the State as also the statement made on behalf of the complainant the order of this Court dated 15.06.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

08.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No