

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-46999 of 2021
Date of decision:13.09.2022

Rani Kaur and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek Singla, Advocate
for the petitioners.

Mr. Mohit Chaudhary, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

On 10.11.2021, this Court passed the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0039 dated 19.10.2021, registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Police Station Women, District Bathinda (Annexure P-1).

Counsel for the petitioners submits that petitioner No.1 is the mother-in-law and petitioner No.2 is the brother-in-law of the complainant, namely, Amritpal Kaur, who had a runaway marriage with the son of petitioner No.1 on 12.11.2020. Thereafter the couple filed a petition before this Court and vide order dated 18.11.2020 (Annexure P-2) their petition was disposed of with a direction to the official respondents to

consider their representation, whereby they had sought protection from the parents and neighbours of the complainant. Counsel urges that the FIR (Annexure P-1) has been lodged after the couple fell apart and the allegations levelled therein are totally false. He submits that the petitioners are ready to join the investigation and co-operate with the Investigating Agency.

*By placing reliance upon the judgment of Hon'ble Supreme Court in **Rajesh Sharma and others Versus State of U.P. and another 2017 (3) RCR (Criminal) 836**, he submits that in cases of marital disputes, there is a general tendency to implicate all the family members.*

Notice of motion.

On asking of the Court, Mr. Tanvir Joshi, AAG, Punjab accepts notice on behalf of respondent-State.

List on 25.04.2022.

Meanwhile, the petitioners shall join the investigation and would appear as and when called for by the Investigating Officer. In the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Counsel for the petitioners submits that husband of the

complainant is in custody.

Upon instructions from ASI Mangu, State counsel submits that petitioners have joined investigation, but some recoveries are yet to be effected from them.

This aspect has been disputed by counsel for the petitioners by submitting that while leaving her matrimonial home, complainant took along gold articles as well as cash of Rs.1.00 lakh.

In view of the judgment of Supreme Court in **Social Action Forum for Manav Adhikar and another Vs. Union of India, Ministry of Law and Justice and others (2018) 10 SCC 443**, this Court is of the view that non-recovery of dowry articles, which are disputed, cannot be an obstacle in confirming the interim protection granted to the accused.

In view of the above facts, but without commenting on the merits of the case, present petition is allowed and order dated 10.11.2021 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

September 13, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No