

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-44994-2022 (O&M)

Date of decision: 09.12.2022

AVTAR SINGH AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Arshdeep Kaur, Advocate for
Mr. Yashpal Thakur, Advocate for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. SK Bawa, Advocate for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seek anticipatory bail in case bearing FIR No.84 dated 09.09.2022, registered at Police Station Banur, District Patiala, under Sections 420 and 120-B IPC.

Learned counsel for the petitioners contends that marriage of Ramneet Kaur, daughter of the petitioners, was solemnized with Gurdeep Singh, which was an arranged marriage; that she had already cleared IELTS Exam; that she went to Australia on study visa in 2018; that she applied spouse Visa of her husband, but the same had been rejected, vide communication dated 11.06.2019 (Annexure P-3). As per the prosecution version, respondent No.2, who is father-in-law of Ramneet Kaur, had spent Rs.40 lakh to make all arrangements for sending her abroad. However in fact, the petitioners, who are residing in Punjab, had no role to play in the alleged offences.

Vide order dated 28.09.2022 passed by this Court, the petitioners had been granted ad interim pre-arrest bail and directed to join the investigation.

Learned counsel for the petitioners submits that pursuant to the aforesaid order, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Baljinder Singh submits that though the petitioners have joined the investigation and are now not required for any further investigation, yet some money is to be recovered from them.

Learned counsel for respondent No.2 submits that Ramneet Kaur was supposed to apply the spouse visa of her husband, instead she applied for visitors visa, which was rejected by the concerned Embassy. He further submits that, though, after filing of the present petition, the petitioners have deposited a sum of Rs.3,00,000/- in the account of respondent No.2, in order to settle the matter, yet the fact remains that thereafter, they are not coming forward for the same.

Be that as it may. The prosecution agency is not a recovery agency and cannot act at the instance of the complainant(s).

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 28.09.2022 granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438 (2) of the Cr.P.C.

09.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No