

2023:PHHC: 104891

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-6719-2023

Date of decision: 11.08.2023

KULWANT SINGH AND ANOTHER  
VERSUS

...PETITIONERS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K. Arya, Advocate  
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Vishal Munjal, Advocate  
for respondent No. 2.

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VIVEK PURI, J. (ORAL)

1. Petitioners are seeking anticipatory bail in case bearing FIR No. 0003 dated 27.01.2023 under Sections 498-A, 406, 506, 323, 34 IPC registered at Police Station Nangal Bhoor, District Pathankot.
2. On 17.05.2023, the following order was passed by the Co-ordinate Bench:-

“Supplementary status report filed along with the medical record. Learned counsel for the petitioners pointed out that the husband of the complainant is in Canada. He always treated his wife well. They had opened joint account with the complainant for providing maintenance to his wife and the complainant was withdrawing money from the said account. The copy of statement of account of HDFC is Annexure P-2. Efforts were also made to take the complainant to Canada, however, due to the objection of Visa authority, she could not be taken to Canada. The application for permanent residence of the complainant is also placed on record. He has also relied upon the photographs where the complainant is happy with her husband. The allegations of maltreatment are false.

On the other hand, learned counsel for the complainant raised the issue that it was father-in-law who gave beating to daughter-in-law as a result she has suffered hearing loss in her left ear. Even today supplementary status report along with the medical record is placed on record.

Perusal of file shows that till date no dowry articles has been recovered. It is pointed out that the complainant was given gold jewellery which is yet to be recovered. The husband of the complainant has already gone abroad. The present petitioners are father-in-law and mother-in-law of the complainant. Therefore, considering these facts, both the petitioners are granted ad-interim bail with the directions that they be not arrested and in case of their arrest they be released on bail to the satisfaction of Arresting Officer/Investigating Officer subject, to the conditions enshrined under Section 438 (2) Cr.P.C.

Learned State counsel is directed to place on record the recovery memo if any dowry articles is recovered during this period.

Adjourned to 11.08.2023. ”

3. Learned counsel for the petitioners contend that they are the parents-in-law of respondent No. 2 and in pursuance of the interim directions they have joined the investigation. Further more the petitioners are not in possession of any articles of jewellery. Some clothings of respondent No. 2 were available in the house of the petitioners and the same have been handed over to the Investigating Agency.

4. Learned State counsel on instructions from SI Parlad Singh, submits that they have not disputed the fact that some clothings have been recovered and the petitioners have joined the investigation. However, it has been submitted that some gold jewellery is yet to be recovered.

5. On a query, learned State counsel submits that no bill with regard to the said jewellery has been produced and only an assessment from the goldsmith has been submitted by respondent No. 2.

6. Learned counsel for the complainant has also opposed the bail

application on the score that the son of the petitioners is absconding and residing in Canada. Further more, the jewellery items of the complainant/respondent No. 2 are yet to be recovered.

7. Be that as it may the controversy as to whether the petitioners were entrusted with dowry articles and have misappropriated the same, will be a debatable issued to be determined during the course of the trial. In pursuance of the interim directions, the petitioners have joined the investigation.

6. In view of the aforesaid submissions, the order dated 17.05.2023, granting interim bail to the petitioner is made absolute.

7. The petition is allowed.

11.08.2023  
manoj

(VIVEK PURI)  
JUDGE

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