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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9084-2023

Date of Decision:- 26.04.2023

Gurpal Ram and Another

...Petitioner

Vs.

State of Punjab and Another

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Vivek Salathia, Advocate for the petitioners.

Mr. M.S.Joshi, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioners – Gurpal Ram and Bimla Rani have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0007 dated 18.01.2023, under Section 406, 498-A of IPC, registered at Police Station Goraya, District Jalandhar Rural.

The facts of the case are that a written complaint was filed by the complainant – Dr. Surinder Singh against Harwinder Kumar Dheer, Dr. Gurpal Ram Dheer, Bimla Devi Dheer and others alleging that marriage of his daughter took place with Harwinder Kumar Dheer. After marriage, his daughter was to settle in England. The engagement ceremony and other ceremonies took place in which huge money was spent in gifts, shagun etc. The marriage was performed on 17.01.2019 in which Rs. 40 lacs were spent. The marriage of Harwinder Kumar Dheer and Jaiya Badhan was registered in U.K. As per their demand, Harwinder Kumar Dheer and his family were given cash of Rs. 5 lacs and gold ornaments. After marriage,

she stayed in village Rurka Khurd. His daughter went back to England and all her gold ornaments and other articles were retained by her in-laws. She was not allowed to use her istridhan. She arranged Spouse Visa for her husband and called him in U.K. His Visa for England expired on 30.05.2019. He stayed with them for 15 months. All the expenditure was borne by them. The parents of Harwinder Kumar Dheer raised demand that one house should be purchased in the name of their son in England. Visa of Harwinder Kumar Dheer was extended for two years. He raised demand for money during this period. His daughter was depressed on account of behaviour of all the accused persons and she remained under treatment. All the accused persons ruined the life of his daughter. She was openly abused by her husband and was beaten up. Harwinder Kumar Dheer and his family refused to return the dowry articles. Ultimately, the complaint was filed, on the basis of which present FIR was registered.

Learned counsel for the petitioners argued that they are the old parents of Harwinder Kumar Dheer. The allegations levelled against them are false. The present FIR has been registered by the father of the girl. Harwinder Kumar Dheer and Jaiya Badhan lives in England. The marriage was solemnized on 17.01.2019. Jaiya Badhan went to England on 21.01.2019. They have never ill-treated Jaiya Badhan nor interfered in their married life. The dowry articles which are in their possession have already been handed over to the police. They are still ready to join the investigation. It is prayed that the anticipatory bail may be granted in their favour.

The bail application is opposed by learned counsel representing the State. The detailed status report is also filed. It is pointed out that the petitioners have already joined the investigation on 30.01.2023 and they

have also returned dowry articles as mentioned in the status report. Further, it is claimed that other gold ornaments are yet to be recovered, which are mentioned in the status report. Therefore, the petitioners are not entitled to the relief of anticipatory bail.

I have considered the arguments and have gone through the record carefully. As per the facts referred above, the boy and the girl had gone to England soon after their marriage. The present bail application has been filed by the old parents of Harwinder Kumar Dheer, who are residing in India. They have handed over the articles which were in their possession. They are still ready to join the investigation. Considering the facts and circumstances of the case, I find merits in the anticipatory bail application filed by the petitioners – Gurpal Ram and Bimla Rani and the same is allowed. They be not arrested. In case of their arrest, they be released on bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly accepted.

26.04.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No