

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

**CRM-M No.10610 of 2023
Date of Decision: 20.09.2023**

Jaswinder Singh Anand & Anr.

...Petitioners

Versus

State of Punjab & Anr.

...Respondents

2.

CRM-M No.13360 of 2023

Harneet Singh Anand

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Ramnish Puri, Advocate,
for the petitioners.

Mr. Iqbal Singh Mann, DAG, Punjab,
for respondent No.1-State.

Ms. Jasleen Kaur, Advocate,
for respondent No.2-complainant.

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MEENAKSHI I. MEHTA, J.(ORAL)

Both the afore-captioned petitions are being taken up together for discussion and adjudication as the petitioners therein have sought the relief of anticipatory bail in the criminal case arisen out of the same FIR bearing No.10 dated 19.01.2023 registered at Police Station Shimlapuri District Ludhiana, under Sections 406 & 498-A IPC.

2. Bereft of unnecessary details, the allegations, as levelled by respondent No.2-complainant in the subject FIR, are that petitioner-Harneet Singh Anand is her husband and petitioners Jaswinder Singh Anand and Amarjit Kaur happen to be her parents-in-law. At the time of her marriage, her parents had given sufficient dowry but the petitioners were not satisfied with the same and they started subjecting her to cruelty, mental as well as physical, to pressurize her to bring more dowry from her parents. Though a total amount of Rs.35 lac was given to them (petitioners) during the period of two years and the substantial part of the same was paid through the bank transactions, but however, they did not mend their ways.

3. Status-Report has already been filed on behalf of respondent No.1-State, by way of the affidavit of Assistant Commissioner of Police, Industrial Area-B, Ludhiana, District Police Commissionerate Ludhiana, in the petition having **CRM-M No.10610 of 2023**. Learned State counsel has opted for treating the same, as such for **CRM-M No.13360 of 2023** also.

4. It is worth-while to mention here that vide the order as passed by the Co-ordinate Bench in **CRM-M No.10610 of 2023** on 14.03.2023, the petitioners had been directed to return all the gold articles, which were in their possession, to the Investigating Officer under the proper receipt and their counsel had also submitted in the Court that the entire amount, that had been transferred in the bank accounts of his clients, would be refunded within the period of one month from that day and the Investigating Officer had, then, been directed to refrain from taking any coercive steps against the petitioners, in the meanwhile.

5. Further, vide the order dated 18.04.2023 as passed in **CRM-M No.13360 of 2023**, the Co-ordinate Bench ordered for hearing it along-with the petition bearing **CRM-M No.10610 of 2023**, while observing that the interim order would operate in the same terms, as mentioned in the above-referred connected petition.

6. Today, learned State counsel, on the instructions from SI Ranjeet Singh from the afore-mentioned Police Station, informs the Court that though, the petitioners have returned some gold jewellery articles in compliance of the above-said orders but the recovery of the remaining gold jewellery items, including the '*Istri-dhan*' of respondent No.2-complainant, is yet to be affected from them.

7. It is also pertinent and relevant to further point it out here that vide the order passed by the Co-ordinate Bench on 01.06.2023 in both the instant petitions, the petitioners had been directed to pay a sum of Rs.6 lac to the complainant before 10.07.2023. Though, in his affidavit Annexure P-9, petitioner-Harneet Singh has mentioned the details of the transactions pertaining to his own bank account as well as those of his parents, i.e the petitioners in **CRM-M No.10610 of 2023** but concededly, there is no entry in the same to show the transfer of any amount by the petitioners in the bank account of respondent No.2-complainant, in compliance of the afore-said order as passed on 01.06.2023.

8. I have heard learned counsel for the petitioners as well as learned State counsel and learned counsel for respondent No.2, in both the present petitions and have also perused the files carefully.

9. Learned counsel for the petitioners contends that in fact, an amount of Rs.21 lac had been paid to the petitioners, instead of Rs.35 lac as alleged by respondent No.2 and that too, as the friendly loan and the entire loan amount has already been repaid to the complainant and moreover, the petitioners had never ever subjected her (complainant) to cruelty and thus, the allegations as levelled by her in the FIR, are *sans* any truth or substance and in these circumstances, the petitioners deserve the relief, as prayed for in the instant petitions.

10. Per-contra, learned State counsel as well as learned counsel for respondent No.2-complainant argue that the petitioners have not even bothered to comply with the above-mentioned orders as passed by the Co-ordinate Bench and this fact, in itself, does suffice to disentitle them from seeking the concession of anticipatory/pre-arrest bail and it being so, both the present petitions be dismissed.

11. The contentions qua the amount of Rs.21 lac, instead of Rs.35 lac, having, actually, been received by the petitioners and that too, as the friendly loan and regarding the truthfulness and veracity of the allegations as levelled by respondent No.2-complainant in the FIR, can and shall be looked into and adjudicated upon by the trial Court at the relevant stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be decided at the stage of dealing with these bail petitions and rather, at the moment, the fact remains that as discussed earlier, the petitioners have not complied with the afore-said specific orders, as passed by the Co-ordinate Bench.

12. Keeping in view the above-discussed facts and circumstances as well as the nature of the offence alleged to have been committed by the petitioners, this Court is of the considered opinion that they (petitioners) do not deserve the concession of anticipatory/pre-arrest bail. Resultantly, both the petitions in hand, being *sans* any merit, stand dismissed.

20.09.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*