

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 203

CRM-M-45038-2021**Date of Decision:** April 20, 2023

MANJIT KAUR AND ANR.

..... PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ANR.

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. A.S. Ahluwalia, Advocate,
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Divij Datt, Advocate
for the complainant.

. . .

Tribhuvan Dahiya, J (Oral)

1. The petitioner has already been granted interim pre-arrest bail in FIR No.37 dated 05.10.2021 under Sections 498-A, 406, 420 IPC, registered at Police Station Women, District Bathinda, initially before this Court.

2. Learned counsel for the petitioners submits that the petitioner's son (complainant's husband) was keen to return to India. Therefore, it was earlier submitted before this Court that after getting permanent residency status in Canada, he would come back and take the complainant along whom he married on 05.06.2016. The fact remains that the petitioner's son could not come to India, nor could the complainant go to Canada.

petitioner No.2 is on dialysis as both his kidneys have failed. Petitioner No.1 is also suffering from serious ailments and she is on wheel chair. Both of them are senior citizens.

4. Learned State counsel, on instructions from ASI Nirmal Singh, states that pursuant to the order passed by this Court, dated 17.01.2023, the petitioner has joined the investigation and is no longer required for the purpose.

5. Learned Senior counsel for the complainant has vehemently opposed the grant of pre-arrest bail by arguing that the petitioners have violated the assurances given to this Court that they would bring their son back to India, and also speak to him to find a solution of the dispute.

6. It is a case where the petitioners, who are senior citizens, have joined the investigation, and are no longer required by the investigating agency. Both of them have serious ailments. Only because they failed to persuade their son to come back to India and/or settle the dispute with his wife/the complainant, the concession of pre-arrest bail cannot be declined in the facts and circumstances of this case.

7. In view thereof, the present petition is allowed. Interim order dated 17.01.2023, passed by this Court, is made absolute.

8. The respondent-State is directed to conclude the investigation expeditiously and present the final report under Section 173 (2) Cr.P.C. before the Court.

(TRIBHUVAN DAHIYA)
JUDGE

20.04. 2023
PrinceChawla