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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53174-2022

Date of Decision:- 01.03.2023

KAMLESH @ KAMLA RANI

....Petitioner

Vs.

STATE OF PUNJAB AND ANR.

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Sandeep Arora, Advocate for the petitioner.

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

Mr. Harsh Chopra, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Kamlesh @ Kamla Rani has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 56 dated 12.07.2022, registered at Police Station Women Cell, Jalandhar under Sections 406, 498-A of IPC (Section 201 and 425 of IPC added vide order dated 14.12.2022).

As per the facts of the case, complainant – Harpreet Kaur filed written a complaint against her husband Kulbir Chand and others alleging that she got married with Kulbir Chand on 01.03.2019. Her parents had spent Rs. 15 lakhs on her marriage. Her parents had given dowry as per the demand of the accused for the use of complainant. She was not permitted to use her dowry articles nor she was given her gold ornaments. She was maltreated in the matrimonial home in order to compel her to bring more dowry. The accused started raising demand for huge amount i.e. Rs. 5 lakhs for sending her husband to Canada. She was ill treated in the matrimonial home. Her husband was having illicit relations with other

girls with whom he used to talk. Her husband did not talk to her properly when he went to Dubai. She gave birth to a daughter on 05.07.2020 but no one was happy with the birth of girl child. Her husband came to India in October, 2019 and went back in January, 2020. The family of her husband refused to send her to foreign country. She was told to get her share from her parental house. Ultimately, she started living in her parental house. On the basis of written complaint, the matter was inquired and present FIR has been registered.

Learned counsel for the petitioner argued that the petitioner is old mother-in-law of the complainant. She has fully cooperated with the investigation of this case. The dowry articles have been recovered. The other gold ornaments alleged by the complainant are not in her possession. She is still ready to join the investigation as and when required. Therefore, her anticipatory bail application may be allowed.

The bail application is opposed by learned counsel for the complainant alleging that some of the gold ornaments are yet to be recovered. The petitioner has not joined the investigation properly. Therefore, her anticipatory bail application may be dismissed.

On the other hand, learned counsel representing the State has placed on record the recovery memo vide which the dowry articles are recovered. There is another recovery memo vide which gold ornaments are also recovered. There is another memo dated 12.09.2022 vide which the complainant alleged that the gold ornaments produced by the petitioner are not the same which were given at the time of marriage.

I have considered the arguments and the aforesaid recovery memos placed on record by the learned counsel representing the State. The facts referred above indicate that the petitioner has joined the

investigation. Even learned counsel representing the State confirmed that the petitioner has joined the investigation on 26.12.2022 and on 12.02.2023. The existence and recovery of other gold ornaments as claimed by the complainant is a matter of investigation as well as trial. Considering the aforesaid facts, I find merits in the anticipatory bail application filed by the petitioner – Kamlesh @ Kamla Rani and the same accordingly, allowed. She be not arrested and in case of arrest, she is ordered to be released on bail to the satisfaction of the Arresting/Investigating Officer concerned, subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petition is, accordingly, accepted.

01.03.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No