

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

1. CRM-M-5760-2021 (O&M)

Jasjeet Singh Dhillon ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-28108-2022 (O&M)

Baldeep Kaur Dhillon ...Petitioner

Versus

State of Punjab ...Respondent

Date of decision: 19.04.2024

CORAM:- HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. H. S. Deol, Advocate
for the petitioner(s).

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. P. S. Ahluwalia, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above noted two petitions as they arise out of the same FIR.
2. Prayer in these petitions, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioners Jasjeet Singh Dhillon and Baldeep Kaur Dhillon in FIR No. 59 dated 22.02.2019,

registered under Sections 406 and 498-A of IPC at Police Station Women Cell, District Police Commissionerate, Ludhiana.

3. Brief facts of the case relevant for the purpose of disposal of the present petitions are that the aforementioned FIR was registered on the basis of a written complaint filed by Tania Pandher through her power of attorney holder Rajpal Singh, who is her father, making allegations that she was engaged with petitioner Jasjeet Singh Dhillon on 18.03.2014 and was got married with him on 07.12.2014. Petitioner Baldeep Kaur Dhillon is the mother-in-law of Tania Pandher. In the complaint, it was alleged that huge amount of money was spent in the marriage as gold ornaments as well as cash amount in the form of *Shagun* etc. had been given to petitioners, their family members and even relatives. The complainant alleged that as per demand made by the petitioners and their family members, a Fortuner car and other valuable articles were also given. Dowry articles so given were entrusted to petitioner-husband and his family members. It was further alleged that just before the *Anand Karaj* was going to be performed, Jaswant Singh, who was the mediator, told the family of the victim to give a sum of Rs. 10 Lakhs to the family of the petitioners. Entire jewellery belonging to the victim had been handed over to the petitioners. The parents of the victim somehow arranged for that money and gave the same to petitioner Jasjeet Singh Dhillon and his family members. Soon after the marriage, the petitioners and their family members started harassing the victim on account of bringing insufficient dowry, by claiming that the same was not as per their status and on account of demand of more gold ornaments. Not only this, the family of the victim was made to arrange for furniture and electronic goods for furnishing the house of the petitioners. The victim was a

permanent resident of USA. Her in-laws exerted pressure upon her to settle the petitioner there and it was disclosed to the victim that her marriage was got solemnized with the petitioner Jasjeet Singh Dhillon only with a view to settle him in USA on the basis of her being a Green Card holder. Due to the pressure so exerted, the victim, after returning back to USA, arranged for money for applying for sponsorship of her husband and for his Green Card. In the meanwhile also, demands of money were raised by the petitioners and their family members. Both the petitioners had ultimately gone to USA in the month of August, 2017. They continued harassing the victim on account of demand of money even there. Subsequently, the victim had come to India to attend the marriage ceremony of her brother and thereafter, all the gold ornaments given to her in her marriage, had been forcibly taken by petitioner Baldeep Kaur Dhillon. Several instances of the acts of cruelty, which were inflicted upon the victim, had been mentioned in the complaint, so filed by her father, who was her power of attorney holder and action was sought to be taken against the culprits.

4. After registration of FIR, investigation proceedings were initiated. Since the petitioners were residing in USA and they did not appear before the Court concerned, therefore, proceedings under Section 82 of Cr.P.C. were initiated against them and ultimately were declared as proclaimed persons. They had filed a petition, bearing **CRM-M-6413-2020**, before this Court and vide order dated 18.04.2023, passed by a coordinate Bench, the order declaring them as proclaimed persons had been set aside with all the consequential proceedings emanating therefrom.

5. Learned counsel for the petitioners has argued that the petitioners, along with their family members, have been falsely implicated in

this case. The victim along with her legal parents has been residing in Dublin, California. In fact, it was the victim who had extended physical, mental and emotional harassment to the petitioners and their family members to such an extent that petitioner Jasjeet Singh Dhillon was compelled to file a divorce petition in Superior Court at California against her. The allegations in the FIR pertained to the incidents that had taken in USA. However, just in order to humiliate and harass the petitioners and their family members, the present FIR was lodged by her biological father. The complainant managed to get the petitioners declared as proclaimed persons, though the FIR was registered behind the back of the petitioners and they were never served with any notice or warrant.

6. It is further argued that there are vague, general and omnibus allegations against the petitioners and their family members. Allegations as to entrustment of any jewellery etc. appear to be false on the face of record. The petitioners and the victim had been residing abroad. The concealment of this fact on the part of the complainant is clearly reflective of the fact that he had lodged this FIR to abuse the process of law. They had already joined and re-joined investigation as per directions of this Court. Their custodial interrogation is not required. Dowry articles allegedly belonging to the victim, along with jewellery given by in-laws family, have already been taken by the complainant. Photographs of these articles along with a list thereof have been placed on record as Annexure P-20 and P-20/A. No recovery is to be effected from them. No purpose would be served by detaining them in custody. In fact no cause of action had arisen as against the petitioners in India. With these broad submissions, it is argued that the petitions deserve to be allowed.

7. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has vehemently argued that there are serious and specific allegations against the petitioners. They along with their family members had subjected the victim to cruelty on account of demand of dowry in the shape of cash amount and gold ornaments. She was compelled to facilitate the procuring of Green Card for the petitioners. It is, therefore, argued that the present petitions are liable to be dismissed.

8. I have heard learned counsel for the parties at considerable length and have gone through the material placed on record carefully.

9. It has come on record that the petitioners have joined and re-joined the investigation. They had lastly joined investigation on 04.11.2023. From the allegations levelled in the complaint, it is revealed that the victim herself had stayed in India for a very short period of time after her marriage. Giving dowry to bride at the time of marriage does not amount to entrusted. The marriage between the victim and petitioner Jasjeet Singh Dhillon stands dissolved, by a decree of divorce dated 20.11.2020, granted by the Superior Court of California. Even the complainant has not disputed the fact that dowry articles have been returned by the petitioners to them. Even otherwise non-recovery of such articles is not a ground to deny bail to an accused as observed in '*Jagdish Thakkar vs. State of Delhi*', 1992 (3) CCR 2764' and in case titled as '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503. No useful purpose would be served by detaining the petitioners in custody. As such, in my considered opinion, it is a fit case for extending benefit of pre-arrest bail to the petitioners.

8. Accordingly, the present petitions are allowed and the interim bail, granted to the petitioners on 16.05.2023, is made absolute, subject to

the conditions envisaged under Section 438(2) Cr.P.C. and further subject to the conditions that:

- 1. They will appear before the Investigating Officer as and when required and will also attend the proceedings before the trial Court regularly.
- 2. They will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- 3. They will not leave the country without prior permission of the trial Court.

- 9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
- 10. Let a photocopy of this order be placed on the file of connected case.

19.04.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>