

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2024:PHHC:062610



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CRM-M-17023-2024

Date of Decision: 06.05.2024

Raanjha Ram @ Ranjha Ram and others

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Sushil K. Verma, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioners who are parents-in-law (petitioners No. 1 and 2) and brother-in-law and sister-in-law/*Jeth and Jethani* (petitioners No. 3 and 4 respectively) of the complainant have filed the present 1st petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No. 292 dated 2.07.2023 (Annexure P-1) registered under Sections 323, 406, 498-A and 506 IPC read with Section 34 IPC (Sections 269, 270 and 419 IPC, were added later on) at Police Station Sirsa Sadar, District Sirsa.

On 08.04.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this petition filed under Section 438

Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.292 dated 02.7.2023 (Annexure P-1) under Sections 323, 406, 498-A, 506, 34 IPC (Sections 269, 270 and 419 IPC added later on), registered at Police Station Sadar Sirsa, District Sirsa.

Learned Senior Counsel appearing on behalf of petitioners inter alia submits that petitioner No.1 is father-in-law, petitioner No.2 is mother-in-law, petitioner No.3 is brother-in-law/Jeth and petitioner No.4 is sister-in-law/Jethani of the complainant. Learned Senior Counsel submits that the complainant was married to the son of petitioners No.1 and 2 on 31.3.2018 and one girl child was born out of the said wedlock on 29.7.2022 through IVF. However, thereafter, due to marital discord the parties have been living separately since 10.8.2022. It is stated that the present FIR has been registered after about one year of the separation. Learned Senior Counsel further submits that the allegations in the present FIR are false and fabricated and pertain only to the husband of the complainant. It is submitted that the main ground of the complainant, as referred at page 17 of the paper-book, in para 9 of the FIR is that after three years of the marriage when no child was born out of the wedlock, a medical test for IVF was conducted, in which it was found that the husband of the complainant is suffering from HIV. It is submitted that as per the allegations levelled by the complainant in the FIR, the family members/petitioners herein have concealed the fact about the husband of the complainant had been suffering from HIV before the marriage and due to that reason, they intentionally made her to be infected from HIV. Learned Senior Counsel for the petitioner contends that the said allegation is patently false as the factum that the husband of complainant, namely, Kuldeep Kumar, was suffering from HIV prior to the marriage came in the knowledge of the complainant and her family members in August 2020, despite that no complaint was made by the complainant with regard to that till now. Furthermore, the allegations of demand of dowry are vague and general as no specific dates and times have been mentioned. It is submitted that all the gold articles mentioned in the complaint have been returned to the complainant as is evident from the Recovery Memo (Annexure P-7). Learned Senior Counsel also referred to the Panchayati Compromise dated 07.08.2022 (Annexure P-9) effected between the parties regarding the dowry articles.

Notice of motion.

On asking of the Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana accepts notice on behalf of State and seeks time to file reply in the matter. However, learned State counsel opposes the prayer of the petitioner on the ground that serious allegations have been levelled in the FIR that the complainant, in the matrimonial home, was given

beatings and treated like a servant and the accused persons demanded a big car like Mahindra Scorpio. However, learned counsel for the State admits that there is no MLR with regard to the injuries alleged in the FIR.

Adjourned to 06.5.2024.

In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on interim bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required ;*
- ii) that the petitioners shall 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;*
- iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport, if any.*

Meanwhile, State counsel is directed to file fresh affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

Learned Senior Counsel for the petitioners submits that in compliance of the aforesaid order, the petitioners have joined the investigation.

Reply/status report dated 03.05.2024, filed by way of affidavit of Ms. Deepti Garg, Additional Superintendent of Police, Sirsa, on behalf of respondent No. 1-State is taken on record. A copy thereof, has been supplied to learned Senior Counsel for the petitioner.

On instructions from L/ASI Deepa Rani, learned counsel for the State states that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation and are co-operating with the investigating agency, and no further interrogation is required, at this stage. Learned counsel for the State further informs that as per

averments made in para 17 of the reply petitioner No. 1 in the present case, namely, Raanjha Ram @ Ranjha Ram and his son-Kuldeep Kumar @ Gabbar/husband of complainant (petitioner in connected petition bearing CRM-M-18776-2024) were also convicted and sentenced to life imprisonment in a case arising out of FIR No. 154 dated 25.06.2009 registered under Sections 302, 148 and 149 IPC at Police Station Sadar, Fazilka.

However, learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioners. The only argument raised by learned counsel for the petitioners is that though the petitioners have joined the investigation, however, still recovery of dowry articles is yet to be effected from them.

I have heard learned counsel for the parties.

Hon'ble the Supreme Court in **Bimla Tiwari vs. State of Bihar and others, Law Finder Doc ID # 2110551**, has held that "matter of grant of bail is not akin to money recovery proceedings", which has been relied upon by a co-ordinate Bench of this Court in its recent judgment dated 12.02.2024, passed in **CRM-M-60647-2023, 'Varun Sharma vs. State of Punjab and another'..**

In view of the above, the order dated 08.04.2024 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and co-operate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case, at any given point of time hereinafter, it is felt by the

investigating agency that the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

06.05.2024

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No