Swaran Singh and Another Vs State of Punjab and Another
 Gurdeep Singh Vs State of Punjab

Criminal Miscellaneous No. M- 28384 and 29259 of 2013 (O and M)

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 4, 2013

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) â€" Section 438#Penal Code, 1860 (IPC) â€" Section 120B, 406, 498A

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Advocate: Nakul Sharma, for the Appellant; Simsi Dhir Malhotra, DAG, Punjab and Mr. Ranbir Singh Sekhon, Advocate, for the Respondent

Judgement

Ram Chand Gupta, J.
This order will dispose of both the aforementioned petitions filed for anticipatory bail u/s 438 of Code of Criminal

Procedure in FIR no. 44 dated 09.06.2013, under Sections 406/ 498A/ 120B IPC, registered at police station Lakhoke Behram, District

Ferozepur. A sum of Rs. 25,000/- has been paid by counsel for petitioners to respondent no. 2-complainant as her expenses for attending this

Court as per order dated 29.08.2013 of this Court passed in CRM No. M-28384 of 2013.

2. It has been stated by learned counsel for the petitioners that petitioner no. 1 -Swaran Singh has been arrested and hence, the present petition

qua petitioner no. 1 -Swaran Singh has become infructuous.

3. Dismissed as withdrawn qua petitioner no. 1-Swaran Singh as rendered infructuous.

4. I have heard learned counsel for the parties and have gone through the whole record including the impugned orders passed by learned

Additional Sessions Judge, Ferozepur dismissing bail applications filed on behalf of the petitioners.

5. Brief allegations are that, marriage of petitioner-accused, Gurdeep Singh was solemnized with respondent no. 2/complainant as per Sikh rites

and ceremonies about two years before lodging of this FIR. At the time of marriage golden jewellery, Rs. 4,00,000/- in cash for purchasing a big

car and some other dowry articles were given by parents of the complainant as per their capacity. However, petitioners and co-accused were not

satisfied with the same. She used to be harassed for bringing more dowry. During this period, she become pregnant and however, instead of

getting her treated, she was sent to her parental home. She gave birth to a child by operation. Health of child was also not good. Hence, the

parents of the complainant spent Rs. 2 - 2.5 lacs for saving life of the child. There are allegations that petitioners and family members had taken

possession of her entire jewellery and other articles which is her Istridhan. She was also asked to get her share from the property of her father and

on refusal, they gave beatings to her. She was thrown out of the matrimonial home. Panchayat was also convened and however, they remained

adamant. They demanded 3-4 Killas of land of the share of complainant in the property of her parents. The matter was duly inquired by SHO of

police station Lakhoke Behram as per direction of Senior Superintendent of Police, Ferozepur and only thereafter, the present FIR was lodged.

6. It has been contended by learned counsel for petitioners-accused that petitioner-Gurdeep Singh has already joined the investigation pursuant to

interim order passed in his favour by court of sessions and some golden articles, which were specifically entrusted to the petitioners-accused have

already been returned as per Recovery Memo, Annexure P2. It is further contended that the petitioners are ready to rehabilitate respondent no. 2-

complainant in the matrimonial home and for that purpose, petitioner-Gurdeep Singh has also filed a petition u/s 9 of the Hindu Marriage Act,

1956. He also contended that allegations are general in nature and that there is no proof of entrustment of Rs. 4,00,000/- in cash to the petitioners"

family and that whatever golden articles were given, the same were already returned.

7. Bail applications have been vehemently opposed by learned counsel for complainant as well as by learned counsel for respondent-State on the

plea that entire jewellery, which was Istridhan of complainant has been kept by the petitioners-accused. It is also contended that she used to be

turned out of the matrimonial home alongwith the minor child after giving beatings on account of dowry.

8. In view of serious allegations against petitioners-accused, there does not seem to be any chance of rehabilitation of the complainant in the

matrimonial home.

9. Hence, in view of these facts, it is not such a case in which extraordinary relief of anticipatory bail should be granted to the petitioners-accused.

Without expressing any opinion on the merits of the case, the instant applications for anticipatory bail filed by Amarjit Kaur and Gurdeep Singh are,

hereby, dismissed being devoid of merit.