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Bir Devinder Singh Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : Sep-10-2013

Appellant : Bir Devinder Singh

Respondent : State of Punjab

Judgement :

CRM No.M-26567 of 2013 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH1 Crl.

Misc.

No.M- 26567 of 2013(O&M) Date of Decision: September 10, 2013.

Bir Devinder Singh .....PETITIONER(s) Versus State of Punjab .....RESPONDENT (s) 2.

Crl.

Misc.

No.M- 27405 of 2013(O&M).Jaswinder Kaur .....PETITIONER(s) Versus State of Punjab .....RESPONDENT (s) CORAM:- HON'BLE MR.JUSTICE RAM CHAND GUPTA Present: Mr.PKS Phoolka, Advocate, for the petitioneRs.MRS.SiMs.Dhir Malhotra, DAG, Punjab.

***** RAM CHAND GUPTA, J.(Oral) This order will dispose of both the aforementioned petitions filed for anticipatory bail under Section 438 of Code of Criminal Procedure in FIR No.24 dated 26.03.2013, under Sections 498A/406 IPC, registered at Singh Omkar 2013.09.11 10:57 I attest to the accuracy and integrity of this document High Court, Chandigarh CRM No.M-26567 of 2013 2 police station Women Cell Bathinda.

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, Bathinda dismissing bail applications filed on behalf of the petitioneRs.This Court while issuing notice of motion on 14.08.2013 passed the following order in Criminal Misc.

No.M-26567 of 2013:- Crl.M.No.36411 of 2013 Application is allowed subject to all just exceptions.

Crl.M.No.M-26567 of 2013 Contends that marriage of daughter of the complainant with son of petitioner was performed without knowledge of the petitioner and that he was not present even at the time of marriage and that marriage was performed in the presence of the complainant.

It is further submitted that he came to know about this marriage when daughter of the complainant had gone to Australia along with his son.

It is further submitted that differences, if any, arose between daughter of the complainant and son of the petitioner in Australia and that they are still residing in Australia.

Notice of motion to Advocate General, Punjab, for 10.9.2013.

However, in the meantime, petitioner is directed to join the investigation and in case he is arrested, he shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified under Section 438 (2) Cr.P.C.

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This Court while issuing notice of motion on 23.08.2013 passed Singh Omkar 2013.09.11 10:57 I attest to the accuracy and integrity of this document High Court, Chandigarh CRM No.M-26567 of 2013 3 the following order in Criminal Misc.

No.M-27405 of 2013:- Crl.M.No.37282 of 2013 Application is allowed subject to all just exceptions.

Crl.M.No.M-27405 of 2013 Contends that marriage of daughter of the complainant with son of petitioner was performed without knowledge of the petitioner and that she was not present even at the time of marriage an d that marriage was performed in the presence of the complainant.

Further submitted that she came to know about this marriage when daughter of t he complainant had gone to Australia alongwith his son.

It is further submitted that differences, if any, arose between daughter of the complainant and son of the petitioner in Australia and that both of them are still residing in Australia.

Further submitted that on similar facts, husband of present petitioner was granted interim bail by this Court in Crl.M.No.M-26567 of 2013.

Notice of motion to Advocate General, Punjab, for 10.9.2013.

However, in the meantime, petitioner is directed to join the investigation and in case she is arrested, she shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified under Section 438(2) Cr.P.C.

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To be heard alongwith Crl.M.No.M-26567 of 2013.

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It has been contended by learned counsel for the petitioners that daughter of complainant and son of petitioners is still residing in Australia and that petitioners have already joined the investigation pursuant to said orders dated 14.08.2013 and 23.08.2013.

Singh Omkar 2013.09.11 10:57 I attest to the accuracy and integrity of this document High Court, Chandigarh CRM No.M-26567 of 2013 4 It has also been stated by learned counsel for the State, on instruction from ASI Harjiwan Singh, that petitioners have joined the investigation.

However, bail applications have been opposed on the plea that dowry articles are yet to be recovered.

However, admittedly, it was a case of love marriage as son of petitioners and daughter of complainant were known to each other since long before their marriage.

It is also not disputed that even daughter of the complainant has not returned from Australia to lodge the present complaint, which has been lodged by her mother.

There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Hence, in view of these facts and without expressing any opinion on the merits of the case, both the anticipatory bail applications filed on behalf of Bir Devinder Singh and Jaswinder Kaur are accepted and orders dated 14.08.2013 and 23.08.2013 granting interim bail in favour of the petitioners are, hereby, made absolute subject to compliance of conditions specified under Section 438(2) Cr.P.C.Both the petitions stand disposed of accordingly.

(RAM CHAND GUPTA) September 10, 2013.

JUDGE om Singh Omkar 2013.09.11 10:57 I attest to the accuracy and integrity of this document High Court, Chandigarh

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