
(2010) 12 P&H CK 0265

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-36302 of 2010 (O and M)

Jagmal

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 10-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439, 482
Penal Code, 1860 (IPC) — Section 323, 324, 406, 498A, 504

Citation : (2010) 12 P&H CK 0265

Hon'ble Judges : Sabina, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sabina, J.—This petition has been filed u/s 439(2) read with Section 482 of the Code of Criminal Procedure for cancellation of regular bail and setting aside of order dated 19.11.2010 in case FIR No. 416 dated 12.10.2010, under Sections 323, 324, 406, 498A, 504, 506 of the Indian Penal Code, registered at Police Station Gharaunda District Karnal.

2. Heard.

3. While granting anticipatory bail to Respondents No. 2 and 3, learned Additional Sessions Judge, in para Nos. 7 and 8 of the impugned order, has held as under:

7. Accused Sohan Singh, son in law of complainant has been enlarged on regular bail after recovery of dowry articles from his possession. Accused-applicants are the Criminal Misc. No. M-36302 of 2010 (O&M) -2-parents in law of complainant's daughter. The initial presumption of innocence in favour of accused-applicants is reinforced by the report of Incharge Women Cell dt.

22.9.10 to whom the matter was entrusted. The report reveals that the police did not find allegations of demand of car and Rs. 2 lacs true. Both the parties had filed cases in the court and Babita was interested in divorce from the accused-

husband. No offence was found to be made in the case and the matter was filed.

8. It is a matter of common knowledge that there is a growing tendency these days to give colour of dowry disputes to all cases of marital discords and disharmony. All members of husband's family are roped in order to wreck vengeance or to secure suitable settlement. Mere claim of the police that recovery of jewellery was to be effected from the accused-applicants is not sufficient to decline the concession prayed. The Investigating Officer has been unable to effect recovery of jewellery from the main accused Sohan Singh. The disclosure statement of Sohan Singh dt. 8.11.10 and 9.11.10 have been recorded. Sohan Singh never disclosed to the police that jewellery etc. could be recovered from his parents. Rather, his statement dt.8.11.10 is that Criminal Misc. No. M- 36302 of 2010 (O&M) -3-jewellery was lying in the house of his brother in District Muzaffarnagar. In the subsequent statement dt.9.11.10, he revealed that the jewellery had been taken away by Babli when she left home.

4. The reasons given by the learned Additional Sessions Judge, while granting bail to Respondents No. 2 and 3, are sound reasons and hence, the impugned order calls for no interference by this Court.

Accordingly, this petition is dismissed