

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc.No.M-12994 of 2014

Date of Decision: October 01, 2015

Pawan Preet Singh

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Anil Chawla, Advocate,
for the petitioner.

Mr.P.S.Ghuman, Addl.AG, Punjab.

Mr.Vaibhav Narang, Advocate,
for the informant/respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Pawan Preet Singh, who has been booked for having committed the offence punishable under Section 498-A, IPC, in a case arising out of FIR No.75, dated 27.03.2014 (though Section 506, IPC, added during pendency of the present petition) registered at Police Station, Chherretta, Amritsar City.

Learned counsel contends that the ad-interim bail was granted to the petitioner on 15.04.2014 and since then multiple times the petitioner has joined the investigation; despite hectic efforts made by the petitioner, the matrimonial dispute with his

wife could not be resolved; the investigation is complete and as such, the custodial interrogation of the petitioner is not required; most of the allegations attracting the mischief of Section 498-A, IPC, are of the duration when the petitioner and the informant/wife were residing in the State of Punjab; the jurisdiction of the police of the State of Gujarat to investigate the matter and that of the judicial Courts at Punjab for trial of the case would be a moot point in the present case and that addition of Section 506, IPC, is merely to prejudice the right of the petitioner to get the concession of anticipatory bail in the present case.

Learned counsel for the State, on instructions from ASI Rajinder Pal Singh, Police Station, Women Cell, Amritsar, very fairly concedes that the investigation of the case is complete and the charge-sheet (challan) is likely to be produced in the near future and as such, the custodial interrogation of the petitioner is not required; though the petitioner had joined the investigation but the recovery of the dowry articles could not be effected, therefore, the bail might not be granted to him. He further fairly concedes that most of the allegations with regard to Section 498-A, IPC, are of the duration when the couple was residing in the State of Gujarat.

Learned counsel for the informant/respondent No.2

has vehemently opposed the grant of bail to the petitioner on the ground that during the period of ad-interim bail, the petitioner extended threats to his brother-in-law and father-in-law and as such, Section 506, IPC, was added. He further submits that all the dowry articles have not been recovered.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Ad-interim anticipatory bail was granted to the petitioner by this Court vide order dated 15.04.2014 and as per learned counsel for the parties, the petitioner did join the investigation multiple times; the petitioner has not committed the offence punishable under Section 406, IPC, therefore, there is no question of the petitioner to have retained the articles belonging to the informant. Perusal of the material available on record would reveal that most of the allegations with regard to harassment of the informant are of the duration when the couple was residing in the State of Gujarat; the jurisdiction of the Police Station, Women Cell, Amritsar, to investigate the matter would be a moot point in the present case and that the investigation is complete and as such, the custodial interrogation of the petitioner does not appear to be necessary in the present case.

As a sequel to the above, the present petition is

allowed. The interim directions dated 15.04.2014 issued by this Court are made absolute.

The petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions as laid down under Section 438(2), Cr.P.C.

The observations made hereinabove are only for the limited purpose of deciding the present petition.

October 01,2015
seema

(Naresh Kumar Sanghi)
Judge