

CRM-M-16865-2015

Date of decision: July 30, 2015

KULVIR SINGH @ BITTU

....Petitioner

versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Rajinder Kumar Singla, Advocate
for the petitioner.Mr. Deepak Garg, AAG, Punjab
for the respondent-State.JASPAL SINGH, J.(ORAL)

The present petition has been preferred by Kulvir Singh alias Bittu-petitioner, under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 04 dated 18.04.2015, under Sections 406, 498-A IPC registered at Police Station NRI, Hoshiarpur, District Hoshiarpur (Annexure P-1).

Mr. Sumer Singh Brar, Advocate has put in appearance and filed power of attorney on behalf of the complainant, same is taken on record.

While issuing notice of motion, following order was passed:

Learned counsel for the petitioner, inter-alia, contends that earlier also, complainant lodged a complaint against the petitioner with Senior Superintendent of Police, SBS Nagar (Nawanshahr) which was enquired into and was ultimately ordered to be filed by Senior Superintendent of Police in the year 2012. Subsequently, on the basis of another complaint lodged in the year 2014, instant case has been registered. Earlier also, a petition under Section 125 Cr.P.C. was moved seeking maintenance by the complainant but that was set at rest due to amicable settlement between parties with the intervention of respectable and in compliance of the said compromise, petitioner has been regularly paying maintenance to the complainant.

Notice of motion for 30.7.2015.

In the meantime, in the event of arrest the petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the other conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure.

At the very outset of the arguments, on instructions from ASI Rakesh Kumar, it has been submitted by learned State counsel that in compliance of the order dated May 21, 2015, petitioner has already joined the investigation on May 25, 2015. Recovery of the dowry articles has already been effected and petitioner is no more required for further interrogation.

At this juncture, it has been submitted by learned counsel for the complainant that earlier also compromise was arrived at between the parties but that could not fructify. Some amount of maintenance is also outstanding against the petitioner which has not been paid by him so far. A query put, in response to a query that how much amount is due and since when it is pending, learned counsel for the complainant could not state specifically. It cannot be made a ground to decline bail. Moreover, if some amount of maintenance is outstanding against the petitioner that can be got recovered by the complainant by way of filing an execution application before the concerned Court. Since the petitioner has already joined the investigation, nothing is to be recovered from him and is also not required for further investigation, the petition is allowed.

So, taking into consideration all these aspects of the case, order dated May 21, 2015, is made absolute, subject to the conditions, as envisaged under section 438(2) Cr.P.C.

July 30, 2015

MAMTA *m. sharma*
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I attest to the accuracy and
integrity of this document

(JASPAL SINGH)
JUDGE