

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

**CRM-M-17753 of 2014**

**Date of decision : 27.04.2015**

**Gagandeep Singh**

..... Petitioner

*Versus*

**State of Punjab**

... Respondent

**CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH**

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. N.S. Bains, Advocate for petitioner.

Mr. Jashanpreet Singh, Assistant Advocate General  
for respondent-State of Punjab.

Mr. Karanjit Singh, Advocate for complainant.

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**DARSHAN SINGH, J.**

Present petition has been filed by petitioner Gagandeep Singh for grant of anticipatory bail by invoking the provisions of Section 438 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.').

The petitioner has been booked for the offences punishable under Sections 406/498-A of the Indian Penal Code, 1960, Police Station Sultanwind, Amritsar on the allegations that he along with his family members had tortured and harassed complainant Smt. Balwinder Kaur,

his wife on account of demand of dowry.

Learned counsel for the petitioner pleaded that the petitioner has been got falsely implicated in this case by the complainant at the instance of her brother in collusion with the police. He contended that the petitioner has never maltreated the petitioner nor ever raised any demand of dowry. The present case has been got registered by the complainant only to harass all the family members of the petitioner, as his parents, even his married sister and her husband have been named in the complaint. He further contended that the petitioner has joined the investigation. All the dowry articles have already been recovered. The petitioner has also joined the mediation proceedings repeatedly and had offered to rehabilitate the complainant but the complainant does not want to resume the marital life. Her only object is to harass the petitioner. The learned counsel for the petitioner contended that as all the dowry articles have already been recovered and the petitioner has already joined the investigation, he is no longer required for any custodial interrogation. So, the interim order of anticipatory bail may be confirmed.

On the other hand learned State counsel assisted by Mr. Karanjit Singh, Advocate, learned counsel for the complainant has contended that there are specific allegations against the petitioner for the harassment of his wife complainant Balwinder Kaur for the demand of dowry. The case was registered after the inquiry report made by the Senior Community Officer, Suvidha Kender South, Amritsar. Thus, they contended that the petitioner does not deserve the concession of the

anticipatory bail. However, it has not been disputed at Bar that the petitioner has already joined the investigation and the dowry articles, except original registration certificate of the motorcycle has already been recovered. Learned counsel for the complainant has also not disputed that the parties have joined the mediation proceedings but the complainant is not in a position to live with the petitioner.

The aforesaid contentions have been duly considered.

The petitioner is husband of complainant Balwinder Kaur. It has been alleged that the complainant was harassed and tortured by the petitioner and his family members. The complainant has moved the complaint against the petitioner, his parents and even his married sister Rupinder Kaur and Parminder Singh, the husband of his sister. But in the inquiry conducted by the Senior Community Officer, the registration of the case has only been recommended against the present petitioner and his parents. It shows that the complainant wanted to involve even her married sister-in-law and her husband.

The petitioner was admitted to interim anticipatory bail by this Court vide order dated May 22, 2014 i.e. about 11 months back. The matter was referred to the Mediation and Conciliation Centre of this Court being the matrimonial dispute. The report of the Mediator shows that Shri Amarjit Singh Ahluwalia, Mediator had carried out the mediation proceedings but the mediation failed. Even at the time of arguments, learned counsel for the petitioner has offered to rehabilitate the complainant in the matrimonial home but that offer was not accepted

by learned counsel for the complainant. This fact has not been disputed that the petitioner has already joined the investigation and as per his undertaking in the Court, which is mentioned in the order dated May 22, 2014, he has handed over the dowry articles including the jewellery to the police and as fairly admitted at Bar by learned counsel for the complainant all the dowry articles, except the original registration certificate of the motorcycle, has already been recovered. Thus, certainly the petitioner is not required for any custodial interrogation. So, his detention at this stage after 11 months of the interim anticipatory bail will not serve any purpose.

Thus, keeping in view the peculiar circumstances of this case detailed above, the present petition is hereby allowed. The order of interim anticipatory bail dated May 22, 2014 is hereby made absolute.

Of course the petitioner will bound by all the conditions as provided under Section 438(2) Cr.P.C.

**27.04.2015***sunil yadav***( DARSHAN SINGH )  
JUDGE**