

**CRM-M-27558-2015 (O&M)**

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

**CRM-M-27558-2015 (O&M).  
Decided on: December 10, 2015.**

**Jaskirat Singh**

**.. Petitioner(s)**

**VERSUS**

**State of Punjab**

**.. Respondent(s)**

**\* \* \***

**CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI**

**\* \* \***

**PRESENT Mr.J.S.Gill, Advocate,  
for the petitioner.**

**Ms.Harpreet Kaur Athwal, DAG., Punjab.**

**Mr.K.S.Lakhanpal, Advocate,  
for the complainant.**

**M.M.S. BEDI, J. (ORAL)**

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Amandeep Kaur alleging that she was married to the petitioner only on 16.2.2014 but she was treated with cruelty by the petitioner and his family members on account of demand of Swift Car and a sum of Rs.5 lacs from the complainant. There are allegations of misappropriation of dowry articles. The matter was sent to the Mediation and Conciliation Centre of Punjab and Haryana High Court, however, the parties could not arrive at any amicable settlement.

Counsel for the petitioner has vehemently

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contended that the petitioner is working as a Sepoy in the Army and that on account of unfair conduct of the complainant, the petitioner had objected to certain relationship of the complainant with strangers as such, he has been falsely implicated. It has also been argued that all the articles have been recovered and the Car which was allegedly given stands returned to the complainant. All the articles mentioned in the list along with Almirah etc. have been recovered by the Investigating Officer.

State counsel, on the instructions of ASI Ashok Kumar has submitted that certain articles are yet to be recovered, for instance, beds, gold chain and other gold articles besides the Registration Certificate of the vehicle.

I have considered the contentions of the counsel for the petitioner and the status of the investigation. The petitioner and the complainant wife have also been heard. Petitioner appears to be adamant not to take any effective steps to resume cohabitation or to rehabilitate his wife. The wife has shown inclination to stay with the petitioner unconditionally and even to withdraw the proceedings in case the matter could be amicably resolved.

Taking into consideration all the circumstances, I am of the opinion that the conduct of the petitioner, prima facie, is unreasonable in suspecting his wife and not taking any steps to rehabilitate. This Court is of the opinion that in case a wife leaves the matrimonial home, a presumption arises that she has been treated

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with cruelty and has been maltreated by her husband and family members. The petitioner in the present case has gone to the extent of filing a divorce petition levelling allegations of adultery without even impleading the adulterer as per rules.

Taking into consideration the totality of the circumstances, I am of the opinion that objective of Section 498-A IPC would be defeated, if in such circumstances, the husband is granted the concession of pre-arrest bail.

The petition is dismissed.

Nothing said in this order will prejudice the rights of the petitioner to seek concession of regular bail or to approach this Court again in case the matter is amicably resolved, at any stage.

**(M.M.S. BEDI)**  
**JUDGE**

**December 10, 2015.**  
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