

241-A      **IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-36485-2014 (O&M)**  
**Decided on: 02.02.2015**

**Jaswinder Singh**

**..... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

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

Present:    Mr. Naveen Batra, Advocate,  
                 for the petitioner.

Mr. J.S.Brar, AAG, Punjab.

Mr. Sanjeev Sharma, Advocate  
for the complainant.

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

Petitioner seeks grant of pre-arrest bail in a case registered at the instance of his wife alleging that the petitioner has treated the complainant with cruelty by threatening to kill her. Other cases are also stated to be pending between the parties. The complainant has even prayed for protection in the FIR.

Counsel for the petitioner has submitted that there is no allegation of cruelty or demand of dowry.

I have heard the learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant and gone through the record.

There is litigation between petitioner's mother and the complainant. Against complainant allegations of having committed theft of Rs.2,50,000/- have also been levelled. The petitioner has

filed a divorce petition against the complainant. It is apparent from the record that the complainant alongwith two children, born out of wedlock, has been compelled to reside separately. Petitioner's claim is that he has been falsely implicated in the case as a counter blast to the criminal case registered at the instance of petitioner's mother against the complainant.

I have heard the learned counsel for the petitioner and considered the contentions raised by him.

The circumstances of the case clearly indicate that the statutory right of residence in matrimonial home has been denied to the complainant. A divorce petition in order to get rid of the complainant has also been filed. It has also been informed that not even a single penny has been paid to the complainant regarding which she had filed an application under Section 125 of the Criminal Procedure Code. The petitioner has showed his ignorance about any order in this regard and stated that he is not aware of any order.

Taking into consideration the totality of circumstances, it is a glaring example of torture and cruelty to a woman, who has been compelled to stay away from the matrimonial home with her two children.

No extra ordinary exceptional circumstances exist to grant the concession of anticipatory bail to the petitioner.

Dismissed.

(M.M.S.BEDI)  
JUDGE

February 02, 2015  
*anju*