

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38350-2014 (O&M)
Date of Decision: October 8, 2015

Bhupinder Singh @ Bhinder

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Kewal Singh, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for respondent No. 1.

Mr. Jasjeet S. Dhaliwal, Advocate,
for respondent No. 2/informant.

1. *Whether Reporters of 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?*

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition filed, under Section 438, Cr.P.C., is for grant of anticipatory bail to petitioner, Bhupinder Singh @ Bhinder, son of Gursharan Singh, resident of village Rajowal, Police Station, Ladowal, District Ludhiana, who has been booked for having committed the offence punishable under Section 498-A, IPC, in a case arising out of FIR No. 196, dated 21.6.2014, registered

at Police Station, City, Sangrur.

Learned counsel contends that the only allegation against the petitioner is that he demanded ₹50,000/- (Rupees fifty thousand only) for purchase of a three wheeler for plying it on rent; during the pendency of the bail petition before the Court of Session, the matter was referred to the Mediation and Conciliation Centre of that Court and respondent No. 2/informant-wife had agreed to accept the amount of ₹90,000/- (Rupees ninety thousand only) as full and final settlement of the matrimonial dispute, but now she is not sticking to the stand taken by her before the Mediation and Conciliation Centre. He further contends that the petitioner is ready to join the investigation and cooperate with the Investigating Agency.

On the other hand, learned counsel for the State has referred to the allegations levelled in the First Information Report lodged at the behest of respondent No. 2/informant, Jyoti, wherein it has been specifically mentioned that from the very beginning of her marriage with the petitioner, a demand of ₹50,000/- (Rupees fifty thousand only) was put forth from her (Jyoti) parents. When she could not fulfil the said demand, she was severely beaten by the petitioner and his mother. She was being regularly harassed, tortured and beaten by the petitioner, on account of demand of dowry. It was further averred in the First Information Report that

the petitioner had illicit relations with some other woman and was staying with her. Learned counsel for the State has vehemently opposed the grant of anticipatory bail to the petitioner.

Learned counsel for respondent No. 2/informant has also opposed the grant of bail to the petitioner on the grounds as agitated by the learned counsel for the State.

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

Since, the present proceedings have arisen out of a matrimonial dispute, therefore, at the request of learned counsel for the petitioner, both the private parties were directed to remain present in the Court. They were specifically asked today, in the open Court, whether they wanted to effect the compromise? Respondent No. 2/informant, Jyoti, narrated that the petitioner was having illicit relations with another woman and has a child from that woman. She further submits that she would be satisfied if a sum of ₹2,50,000/- (Rupees two lacs and fifty thousand only) is paid to her as full and final settlement of the matrimonial dispute. However, the petitioner has refused to accede to the said proposal.

In view of these circumstances, the Court has to decide the present petition on merits.

Perusal of the FIR, the police file brought by ASI Malkiat

Singh of Police Station, City, Sangrur, and after hearing the rival contentions of learned counsel for the parties, this Court is of the considered opinion that there are specific allegations of demand of ₹50,000/- (Rupees fifty thousand only) from respondent No. 2/informant and her parents, by the petitioner and his mother and for that reason, she (respondent No. 2) was beaten up, tortured and harassed. The custodial interrogation of the petitioner would facilitate the Investigating Agency to unveil the real facts. No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

Interim directions, dated 19.1.2015, issued by this Court are hereby vacated.

October 8, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE