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

**CRM-M-4190-2015 (O&M)
Date of decision: 28.09.2015**

Jarnail Singh

... Petitioner

Vs.

U.T. Chandigarh and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. Jatinder Jit Kaur, Advocate
for the petitioner.

Mr. Gautam Dutt, Addl. PP, U.T. Chandigarh.

Mr. Gurcharan Dass, Advocate
for respondent No.2-complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.477 dated 22.09.2014 under Sections 406, 498-A IPC, registered at Police Station Sector-34, Chandigarh.

Notice of motion was issued.

Learned counsel for the petitioner submits that although there was no specific direction from this Court to the petitioner to join the investigation, yet he went to the investigating officer for the purpose of joining the investigation. She further submits that keeping in view the nature of allegations levelled against the petitioner, his custodial interrogation is not required. She also submits that petitioner is ready and willing to join the investigation and cooperate with the investigating agency. She prays for allowing the present petition.

On the other hand, learned counsel for the State (U.T. Chandigarh), on instructions from SI Charanjit Singh, EOW, submits that petitioner never approached the investigating officer for the purpose of joining the investigation. Learned counsel for the complainant submits that since the petitioner is the main accused, being the husband, he is not entitled for the concession of pre-arrest bail. He further submits that although parties were directed to appear before the Mediation and Conciliation Centre but the petitioner did not cooperate and the mediation failed. Respondent-wife was always ready to cooperate but it is the petitioner who is misusing the concession of interim order granted by this Court. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has not been found entitled for the concession of anticipatory bail. It is so said because petitioner is the main accused, being the husband. Allegations against the petitioner are direct and serious.

Further, petitioner is not only misusing the interim order granted by this Court, but he is also trying to play smart while not complying with the repeated orders passed by this Court.

At this stage, learned counsel for the petitioner contended that in compliance of the order passed by this court, petitioner has taken a suitable accommodation on rent, which has not been accepted by the complainant-wife and in this view of the matter, it is not fault of the petitioner. However, as per the photographs of the rented accommodation shown to the Court, the

same has not been found even worth living. In this view of the matter, it can be safely concluded that petitioner is misusing the process of law as well as orders passed by this Courts.

In view of the above and without commenting anything further on merits at this stage, this Court is of the considered view that the custodial interrogation of the petitioner will be the compulsive necessity of the investigating agency, so as to carry out an effective investigation.

No case for anticipatory bail is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

28.09.2015
vishnu