

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-9747 of 2015 (O&M)
Date of Decision: 04.08.2015.

Hardev Singh @ Hira

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

Mr. Vinay Kumar Malhotra, Advocate
for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for grant of anticipatory bail to petitioner in case F.I.R. No. 52 dated 9.2.2015 under sections 498-A, 120-B I.P.C registered at Police Station, Taran Taran City, District Taran Taran.

On 9.4.2015, the following order was passed by this Court:-

“The marriage between the parties is stated to have been performed on 01.03.2011. One daughter was born out of the wedlock in the year 2012.

Court has been apprised that a divorce petition was filed by the petitioner in the year 2014 as also a petition under Section 25 of the Guardian and Wards Act in July 2014 seeking the custody of minor daughter. It is the contention of learned counsel for the petitioner that the present FIR has been lodged thereafter by the mother-in-law in the year 2015 merely as a counter blast to the proceedings already initiated by the petitioner.

List on 14.05.2015.

In the meantime, petitioner is directed to join

investigation. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Baljinder Singh would apprise the Court that the petitioner has since joined investigation. It has also gone uncontroverted that a divorce petition was instituted by the petitioner in the year 2014 and even a petition seeking custody of the minor daughter under the provisions of Guardian and Wards Act had also been filed in the year 2014 itself i.e. much prior to the registration of the F.I.R.

That apart, even the perusal of the F.I.R would reveal that the allegations with regard to demand of money by the present petitioner are vague in nature. As per complainant Paramjit Kaur, who is the mother-in-law of the petitioner, a sum of Rs.1 lac was stated to have been handed over for purchase of an Alto car.

On a specific query having been put to the counsel for the complainant as regards the precise timing of such handing over of money, no satisfactory response has been forth coming. Even with regard to a sum of Rs.70,000/- having been remitted by the daughter of the complainant from Singapore to the present petitioner, no documentary evidence has been placed on record.

In the totality of the circumstances noticed herein above, the present petition is allowed. Order dated 9.4.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.08.2015
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