

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

(223)

CRM-M-1085-2016

Decided on: February 08, 2016.

Baljit Kumar @ Bobby

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. P.S. Ahluwalia, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Rajesh Kumar Girdhar, Advocate, for the complainant.

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

As per the allegations of the complainant, the petitioner had married to the complainant about 20 years back. He is having two sons out of the marriage. The allegations against the petitioner is that he had tortured, harassed and beaten the complainant on account of having brought inadequate dowry. On 26.10.2015 when the complainant inquired about a missed call on the phone of the petitioner, the petitioner got angry and started throwing kitchen utensils on the complainant hitting her resulting in few simple injuries. The petitioner allegedly tried to strangle the complainant with a rope but was rescued by her son.

Learned counsel for the complainant has intervened to oppose application for regular bail contending that there are chances of tampering with the evidence. It has also been argued that the petitioner has got illicit relations with one lady working with him. Petitioner is alleged to have given his power of attorney to the said lady. The said lady has also been made accused in this case under Section 120-B IPC.

On asking of the Court, learned State counsel on the instructions of ASI Kishore Chand, informs that the challan has already been presented in the case and the investigation is over qua the petitioner.

It is not a case of any grievous injury. It will certainly be a debatable issue whether the act of the petitioner would be an act of cruelty to the extent that he intended to commit the murder of the complainant who happens to be his wife.

Be that as it may, the petitioner has been in custody w.e.f. 27.10.2015 and the challan has been presented, investigation having been completed qua petitioner. No useful purpose will be served by keeping the petitioner in custody as a measure of punishment for allegedly committing cruelty towards his wife.

On asking of the Court, learned counsel for the complainant informs that a petition under Section 12 of the Prevention of Women from Domestic Violence Act has already been filed against the petitioner.

Learned counsel for the complainant has also urged that the petitioner, while in custody, has threatened the complainant that she would be eliminated the day he is released on bail.

I have considered the said apprehension of the complainant in context to the fact that the petitioner is husband of the complainant having married to her about 20 years back having two sons out of whom one has attained majority. It will not be appropriate for this Court to be judgmental about the future conduct of the petitioner, especially when the complainant

has already availed her remedy to restrain the petitioner from committing domestic violence by invoking Section 12 of the Prevention of Women from Domestic Violence Act.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Sessions Court as the case is stated to have been committed to the Court of Sessions subject to the condition that before release of the petitioner, he would be required to furnish an undertaking before the trial Court to the effect that he will not commit the similar offence of which he is accused of, during pendency of the trial. It is ordered that in case of authenticated proof of violation of the aforesaid condition, it will be open to the complainant to approach this Court again for cancellation of bail.

(M.M.S. BEDI)
JUDGE

February 08, 2016
harsha