

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

**Criminal Misc. No. M-11473 of 2016
Date of decision: 04.04.2016**

Amritpal Singh @ Kaka

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Sutikshan Sharma, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.43 dated 01.10.2015 registered under Sections 498-A, 497, 506 of Indian Penal Code at Police Station Kotli Surat Malhi, Police District Batala.

Learned counsel for the petitioner submits that in the initial complaint moved by the complainant, there was no allegation with regard to demand of dowry and only the allegations of having relation with some other woman were there. Subsequently, by making some improvement in the complaint, the petitioner has falsely been implicated in the case. Learned counsel also submits that neither any specific role has been attributed to the petitioner nor any date and

time has been mentioned. It is the complainant, who herself had left the matrimonial house at her own.

Heard arguments of learned counsel for the petitioner and have also perused the allegations levelled in the FIR.

A perusal of FIR would show that earlier a complaint was made, which was inquired into and in the statement of the complainant, the allegations with regard to demand of dowry, harassment and giving beatings were also mentioned. It cannot be said at this stage that the complainant has not been able to prove the allegations as it is a matter of evidence, which can be proved during trial. The allegations of giving threat and poisonous substance are also there, which might have compelled the complainant to leave her house.

Keeping in view the allegations and role of the present petitioner, no ground is made out to grant anticipatory bail to the petitioner.

Dismissed.

However, in case, the petitioner surrenders before the concerned Chief Judicial Magistrate and moves an application for regular bail, the trial Court is directed to consider the same within a period of one week thereafter and pass necessary order in accordance with law.

04.04.2016
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(DAYA CHAUDHARY)
JUDGE