

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M -17503 of 2017 (O&M)

Date of decision: 25.08.2017

Gurtej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S. Nagra, Advocate for the petitioner(s).

Mr. A.S. Gill, Sr. DAG, Punjab
assisted by ASI Jiwan Singh.

Mr. Varun Sharma, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.19 dated 20.01.2017, registered under Sections 498A, 506 and 323 of IPC, at Police Station City Kharar, District SAS Nagar, Mohali.

It is contended that petitioner has been falsely implicated in the instant case. The petitioner was married to complainant in the year 2008. The complainant, Karamjeet Kaur herself left the matrimonial house and accompanied her brother when he had come to meet her. After the investigation, the allegations with regard to Section 307 IPC were not found to be made out and accordingly, the same was

deleted. The children born out of the wedlock have been living with the petitioner. In pursuance of order dated 17.05.2017, the petitioner has joined the investigation.

On the other hand, the learned State counsel assisted by learned counsel for the complainant, on instructions states that though the petitioner has joined the investigation, however, there are specific allegations that the petitioner made an attempt to electrocute and strangle the complainant/wife. She further states that as the petitioner is involved in extra marital affair and in effort to done away with the complainant, advised the complainant to take bath barefoot on the pretext of going to Gurudwara Sahib for paying obeisance. While the complainant was entering the washroom, she noticed a shadow and saw the petitioner standing there with the wire in his hands and the petitioner tried to electrocute her. She was removed from the washroom by her sister in-law. There are allegations that subsequently, the petitioner tried to strangle her and she had to be removed to Civil Hospital. The complainant has already approached the senior officials to conduct re-investigation in the matter assailing the findings recorded in the earlier enquiry. It is also asserted that the complainant was not joined in the investigation.

Heard.

There are specific allegations against the petitioner for making an attempt to electrocute and subsequently strangle the

complainant/wife on the next day. Though after the enquiry, Section 307 IPC has been deleted, however, considering the fact that the complainant was not joined in the enquiry proceedings and her application before the senior officials for conducting re-investigation in the matter has not been finalized and in view of the serious and specific acquisitions, the Court feels that no case for pre-arrest bail is made out at this stage, particularly when the petitioner has failed to refer to any motive on the part of the complainant to rope him in a false FIR.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

25.08.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No