

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

Crl. Misc. M-24331 of 2017 (O&M)
Date of Decision: August 22, 2017

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.B.S. Dhillon, Advocate
for the petitioner

Mr. Abhaypal Singh Gill, AAG Punjab.

Mr. P.S. Ahluwalia, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No.44 dated 17.05.2017, under Sections 406, 498-A, 313 of Indian Penal Code, registered at Police Station Women Cell, District Ludhiana, who is the husband of the complainant.

In nutshell, the aforesaid FIR was registered against the petitioner and his family members under Section 406, 498-A of Indian Penal Code and later on, the investigating agency added the offences punishable under Sections 313, 120-B of Indian Penal Code and the challan was

presented under Sections 406, 498-A, 313, 120-B of Indian Penal Code against the father-in-law and mother-in-law of the complainant.

Counsel for the petitioner urges that the complainant was not pregnant, while relying upon the medical reports from the various hospitals, which are annexed with this petition and also argued that the dispute arose, on account of the relationship that the complainant had with her brother-in-law. It is contended that Annexure P-4 are the call details, which would reflect that the complainant was in deep conversation with her brother-in-law over a considerable length of time. It is argued that the parents have got pre-arrest bail from the trial court and seeks parity.

Per contra, counsel appearing on behalf of the complainant contends that there was a demand for dowry, on which count, she was thrown out of the matrimonial house. It is argued that the complainant was pregnant and on the administration of a drug, she lost the fetus, which fact was celebrated by her husband Hardeep Singh, mother-in-law and father-in-law, as they did not want a child till such a time as the demand of Mercedes car as dowry was not given to the petitioner.

I have heard both the counsel for the parties and also perused the record of the case.

A perusal of the pleadings in the connected matter i.e. Crl. Misc. No.30591 of 2017, wherein, certain documents have been produced on record, would show that after the presentation of the challan and summoning the accused for 31.08.2017, an application was moved to the Judicial Magistrate Ist Class, Ludhiana, by the prosecution for permission to

carry on further investigation in the case. This application was allowed and within 3 days, the investigation was completed and approval has been given by the Commissioner of Police, Ludhiana, for reducing the offence under Sections 313, 120-B of Indian Penal Code in this case. The factum of completing the investigation afresh (after the presentation of the challan against the petitioner's parents wherein, offence under Sections 313, 120-B of Indian Penal Code had been invoked) and reducing the offence under Sections 313, 120-B of Indian Penal Code, seems to suggest interference at the hands of the petitioner and his family members.

Grant of anticipatory bail is discretionary and there are no inflexible guidelines or straightjacket formula laid down to grant or reject the anticipatory bail. However, there are certain factors and parameters, which will be taken into consideration, while dealing with the anticipatory bail, as laid down in the judgment rendered in *Siddharam Satlingappa Mhetre vs. State of Maharashtra and others*, AIR 2011 SC 312 wherein, one of the factors to be considered is that there should be no breach caused to free and fair investigation, while the court to also consider reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. In the instant case, prima facie this court is of the opinion that after due investigation in the matter and recording of the statements of the doctor, offence under Sections 313, 120-B of Indian Penal Code were added, which decision seems to have suddenly been withdrawn, on fresh investigation after challan was put up. Therefore, under these circumstances, this court is of the considered view that there is every

apprehension that the petitioner would hamper the investigation against whom challan has not been presented and therefore, no ground for grant of anticipatory bail in the instant case is made out.

Accordingly, the petition in hand stands dismissed. Any opinion expressed is only for the purpose of rejection of petition for grant of anticipatory bail and not on the merit of the case.

August 22, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No