

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

CRM No.M-24587 of 2017

Date of decision: 08.12.2017

Udai Chand Saini

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P.S. Deol, Sr. Advocate
with Mr. Kamaldeep S. Sidhu, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Ramneek Vasudeva, Advocate
for the complainant/respondent No.2.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.74 dated 01.06.2017 registered under Section 420 IPC at Police Station Nangal, District Rupnagar.

On 13.07.2017 the following order was passed:-

“The petitioner is seeking concession of pre-arrest bail in case FIR No.74 dated 01.06.2017 under Sections 420 of the IPC, registered at Police Station Nangal, District Rupnagar.

It is inter alia contended by the learned Senior counsel for the petitioner that the NRI daughter of the petitioner-Meghna Saini was married with the complainant-Davinder Pal, in the year 2007. Since she was maltreated on account of demand of dowry by her husband and in-laws, she returned to her parental home. Later on, a complaint was filed by the daughter of the petitioner, which was inquired into by the Deputy Superintendent of Police, N.R.I. Ludhiana, who submitted his report dated 15.04.2014, which was approved by the

Assistant General of Police, NRI and Women Wing, Ludhiana. On the basis of the said report, FIR No.9, dated 26.04.2014 was registered against the complainant.

It is further contended that the complainant had filed CRM-M- 20336 of 2014 praying for anticipatory bail. This petition was allowed on 22.12.2014 as on that date, complainant-Davinder Pal had handed over 1 gold kara and 1 gold ring and had agreed for divorce by mutual consent and a petition was to be filed before the matrimonial Court in view of the full and final settlement of the claim against each other.

Since, the complainant did not put in appearance before the matrimonial Court, the daughter of the petitioner filed CRM-M-7662 of 2015 with the request to cancel the anticipatory bail of the complainant as he has failed to abide of the directions given in the order dated 22.12.2014. This petition was allowed and the anticipatory bail granted to complainant was cancelled vide order dated 07.07.2015.

Learned counsel for the petitioner has referred to the various interim orders passed during the pendency of this petition to show the conduct of the complainant as he was not adhering to compromise for filing the petition for divorce by mutual consent, therefore, anticipatory bail was cancelled.

Respondent No.2- complainant later on filed CRM-M-28886 of 2016 with reference to an inquiry report dated 29.03.2014 and prayed for issuance of direction to police authorities to take action on his representation. This petition was disposed of on 14.03.2017 with a direction to the police authorities to consider his representation and, thereafter, the present FIR No. 74 dated 01.06.2017 was registered against the petitioner and his daughter.

Learned counsel for the petitioner has laid stress on the point that when the earlier proceedings were pending,

the allegation that the complainant has paid an amount of Rs. 9 lacs on 10.02.2013 to petitioner was never disclosed by the complainant in said litigation.

The learned counsel has further argued that once relations between the daughter of the petitioner and the complainant were strained, he or his daughter had no occasion to take huge amount of Rs. 9 lacs from the complainant and as such the FIR is a counter blast to the earlier litigation initiated against the complainant at the instance of the petitioner and his NRI daughter.

Notice of motion for 27.10.2017.....”

Vide order dated 27.10.2017, the applicant/complainant – Davinder Pal was impleaded as respondent No.2, the order dated 13.07.2017 was modified and the petitioner/accused was directed to join the investigation.

Learned Senior counsel for the petitioner submits that in pursuance to the order dated 27.10.2017, the petitioner has already appeared before the Investigating Officer and joined the investigation and is not required for any further investigation.

Counsel for the State, on instructions from ASI Inderpal Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

Counsel for the complainant/respondent No.2, on the other hand, has submitted that the petitioner has not given the correct facts in the FIR and, therefore, the interim stay granted vide order dated 13.07.2017 be vacated.

I have heard the learned counsels for the parties and perused the paperbook.

A careful perusal of the application filed by respondent No.2 show that it has nowhere been pleaded that the petitioner has misused the concession of bail or has extended any threat to the complainant while he was granted the concession of interim bail or even has tried to influence the witnesses. Rather the application has been filed pleading the detailed facts given in the FIR along with the

annexures which can be looked into by the trial Court while deciding the main case, therefore, no ground for vacating the interim anticipatory bail is made out.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 27.10.2017 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

08.12.2017
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No