

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

**Crl. Misc. No. M-33120 of 2016
Date of Decision : July 25,2017**

Anil Sharma Petitioner

VERSUS

U.T. Chandigarh Administration and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
 2. To be referred to the reporters or not?
 3. Whether the judgment should be reported in the digest?
- ...

Present: Mr. Arun Dogra, Advocate
for the petitioner.

Mr. A.S.Virk, APP, U.T.

Mr. Anil K. Bhardwaj, Advocate
for respondent No.2.

...

LISA GILL, J. (Oral)

The petitioner seeks the concession of anticipatory bail in FIR No. 66 dated 13.08.2016 under Sections 498-A & 406 IPC registered at Women Police Station, Sector 17, Chandigarh.

It is vehemently argued that the petitioner has been falsely implicated in the present FIR. There are temperamental differences between the complainant and the petitioner, who is husband of the complainant.

Marriage between the petitioner and the complainant was solemnized on

22.11.2011. The couple was blessed with a child. The petitioner and the complainant are stated to be residing separately since 14.04.2013. The present FIR has been registered with an oblique motive on 13.08.2016. The complainant it is submitted has gone to the extent of levelling false allegations qua the petitioner and his sister-in-law (Bhabi). It is submitted that the petitioner looks upon his sister-in-law as a mother figure and such allegations caused extreme distress to him but he still tried to salvage his marriage. However, all his efforts were futile due to the adamant attitude of the complainant. Proceedings under the Protection of Women from Domestic Violence Act 2005 as well as Section 125 Cr.P.C. are also pending between the parties. The petitioner it is submitted is duly appearing in the said proceedings. Efforts to amicably resolve the matter with the complainant have failed despite best efforts. It is, thus, submitted that this petition be allowed.

Learned counsel for the State, on instructions from HC Satyawar, verifies and affirms that the petitioner has joined investigation pursuant to interim orders passed by this Court. It is submitted that few of the articles in question are yet to be recovered. This fact is refuted by the learned counsel for the petitioner. He further relies upon judgment of this Court in ***Prit Pal Singh V. State of Punjab and another*** 2014 (5) RCR (Criminal) 771 to say that non recovery of certain articles cannot be a ground for not affording the concession of anticipatory bail to the petitioner.

Learned counsel for the complainant while opposing this petition has not denied that the complainant and the petitioner have been living separately since 14.04.2013. Mediation between the parties has admittedly failed.

There is no allegation that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting on the merits of the case, it is considered just and expedient to allow this petition. Consequently, order dated 19.08.2016 is made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

25.07.2017
rupi

(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No