

Criminal Misc. M- No. 41314 of 2016 (O&M)

Date of decision : August 16, 2017

Harjit Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

None for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 58 dated 09.10.2016 registered under Section 406, 498A IPC at Police Station Women, District Amritsar.

It is submitted that the above said FIR has been registered due to temperamental differences with the complainant i.e. his wife. It is further submitted that the petitioner filed a petition under Section 9 of Hindu Marriage Act, 1955 on 17.05.2016 which is pending. Moreover, the petitioner suffered injuries at the hands of the complainant's brother. Reference is made to Medico Legal Report dated 10.06.2016 (Annexure P-3). The present FIR was registered on 09.10.2016. Moreover, the petitioner has returned all articles belonging to the complainant. He has joined investigation pursuant to order dated 21.11.2016. The petitioner, it is submitted, made all efforts to facilitate mediation as well but the same has failed. Learned counsel for the petitioner submits that a sum of ₹2500/- per

month is being regularly paid by the petitioner as maintenance for the minor child and the complainant. He undertakes to deposit the said amount regularly without any default. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Jatinder Singh, verifies that the petitioner has joined investigation though it is submitted that certain gold articles are yet to be recovered. However, learned counsel for the petitioner relies on a decision of this Court in **Prit Pal Singh versus State of Punjab and another 2014 (5) RCR (Criminal) 771** to urge that the concession of anticipatory bail should not be denied merely on the ground of certain recoveries to be effected.

It is verified by learned counsel for the State that the petitioner is not involved in any other criminal case. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 21.11.2016 is made absolute.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

August 16, 2017
rts

(Lisa Gill)
Judge

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