

Criminal Misc. No. M- 12088 of 2017 (O&M)

Date of decision : January 30, 2018

Himanshu Singla

.....Petitioner

Versus

State of Punjab

....Respondent

Criminal Misc. No. M- 2793 of 2017 (O&M)

Narinder Kumar Singla

.....Petitioner

Versus

State of Punjab and another

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. A.G.S. Dhillon, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Siddharath Gupta, Advocate
for respondent No. 2/complainant.

LISA GILL, J.

This order shall decide Criminal Misc. Nos. M- 12088 and 2793 of 2017. For convenience, facts are extracted from Criminal Misc. No. M- 12088 of 2017.

Prayer in these petitions is for grant of anticipatory bail to the petitioners in FIR No. 0056 dated 18.11.2016 under Sections 406/498A IPC registered at Police Station Women Cell, Bathinda, District Bathinda.

It is submitted that the petitioners have been falsely implicated in this case. Petitioner – Himanshu Singla is the husband

and Narinder Kumar Singla is the father-in-law of the complainant. Marriage between the petitioner – Himanshu Singla and the complainant was solemnised on 28.11.2010. It is stated that the complainant was subjected to ill-treatment and harassment from the very beginning on account of bringing insufficient dowry. Various demands of dowry were raised by the petitioners and other family members. The complainant stated that she was forced to stay away from the matrimonial home from January, 2014 to July, 2014. Rs. 2 lakhs was given to the accused and the complainant was brought back to the matrimonial home but it transpired that this was done only because her younger brother-in-law was to be married. Ultimately, the complainant, it is stated, was thrown out of the matrimonial home on 25.08.2016 after being physically abused as well on the said date.

Learned counsel for the petitioners submits that the allegations in the FIR are absolutely incorrect. There is nothing on record to show any kind of ill-treatment meted out to the complainant from 2010 till the lodging of the FIR in question. In reality, the problem started when the younger brother of Himanshu Singla got married in August, 2016. The petitioners have always offered for resumption of matrimonial ties but the complainant has refused. The petitioner – husband had expressed his readiness and willingness to take up a residence, separate and away, from his family and cohabit with the complainant. He further agreed to deposit some amount by way of FDR as security of sorts for the complainant, if she agreed to

come and reside with him. However, the complainant has not come forward to accept the proposal. It is submitted that the petitioners undertake to face the proceedings and not to misuse the concession of anticipatory bail, if afforded to them. It is, thus, prayed that these petitions be allowed.

Learned counsel for the State, on instructions from ASI Jagdev Singh, verifies that the petitioner – Narinder Kumar Singla has joined investigation, however, petitioner – Himanshu Singla has not joined investigation.

Learned counsel for the petitioners points out that as there was no specific direction by this Court nor he was called upon by the investigating agency, therefore, petitioner - Himanshu Singla has not joined investigation. However, he undertakes to join investigation as and when required by the investigating agency. There is no denial by the State that the petitioner was not called upon to join investigation.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. No useful purpose shall be served by taking the petitioners in custody.

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 these petitions. Consequently, order dated 30.01.2017 passed in CRM-M-2793 of 2017 is made

absolute and in the event of arrest of the petitioner - Himanshu Singla (in CRM-M-12088 of 2017) he shall be released on bail to the satisfaction of Investigating Officer/ Arresting officer. He shall appear before the Investigating agency as and when required. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

January 30, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No