

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

1. CRM-M-13617-2016(O&M)

Prithvi Pal Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondent

2. CRM-M-25159-2016

Amandeep Singh Gill

..... Petitioner

Versus

State of Punjab and another

..... Respondents

Date of decision :-24.7.2018

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Ms.Sushma Chopra, Advocate
for the petitioners.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Mr.Arihant Goel, Advocate
for respondent No.2.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-13617-2016** filed by petitioner Prithvi Pal Singh and **CRM-M-25159-2016** filed by petitioner Amandeep Singh Gill, both of them being accused in FIR No.18 dated 12.9.2015, under Sections 406/498-A IPC, registered at Police Station Jagraon (Women), District Ludhiana.

Briefly stated, the criminal machinery in this case was set into motion by complainant – Gurpreet Kaur daughter of Sunder Pal Singh wife of Amandeep Singh Gill, resident of village Dhul Kot, Tehsil and District Ludhiana, who submitted a written complaint to the police levelling allegations of cruelty in connection with dowry perpetrated on her by her husband Amandeep Singh Gill, father-in-law Prithvi Pal Singh, mother-in-law Surinder Kaur and sister-in-law Gagandeep Kaur. *Inter alia*, in the complaint, it is alleged that marriage between the spouses was solemnized in November, 2013; that Amandeep Singh is working as Electrical Officer in Merchant Navy; that on 24.11.2013 a ring ceremony was performed and several articles including gold jewellery were entrusted to accused persons; that at the time of Shagun ceremony on 12.12.2013 again gold articles and dowry items were entrusted to accused and their relatives; that marriage of sister of complainant was solemnized on 30.1.2015; that the in-laws of the complainant got suspicious that her father gave cash to her brother-in-law Rustamjeet Singh for purchase of car and they also raised demand of a car; that the accused started abusing father of the complainant and left the complainant at her parental house; that Prithvi Pa Singh father-in-law of

complainant is SHO in Punjab Police and he is giving threats to complainant and her family members. Formal FIR was registered.

Apprehending their arrest in this case, petitioners/accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such applications were dismissed by the Court of learned Additional Sessions Judge, Ludhiana. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

The photographs placed on file by the complainant go to show that dowry articles including gold jewellery items had been given by the complainant side to petitioners and their family members at the time of marriage. Learned State counsel stated that though the petitioners are said to have joined the investigation but complete recovery has not been effected from them.

Learned Additional Sessions Judge, Ludhiana has observed that applicant Prithvi Pal Singh, who is father-in-law of the complainant is creating obstructions in smooth investigation of the case and pre-arrest bail was declined to him, whereas it was allowed as regards his wife Surinder

Kaur. The complete recovery is not said to have been effected. Before this Court, there are no allegations of Prithvi Pal Singh interfering in the investigation. He is father-in-law of the complainant and the main dispute is between Amandeep Singh Gill and his wife. It has to be noticed that wife would not have ordinarily lodged report against her husband and his family members unless she was driven to the wall and was not left with any option. The grouse of the complainant is mainly against her husband Amandeep Singh Gill.

Under the circumstances, the custodial interrogation of petitioner Amandeep Singh Gill is found to be necessary for complete and effective investigation whereas it is not so regarding petitioner Prithvi Pal Singh. In case custodial interrogation of the petitioner Amandeep Singh Gill is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus, **CRM-M-25159-2016** filed by petitioner Amandeep Singh Gill stands dismissed, whereas **CRM-M-13617-2016** filed by petitioner Prithvi Pal Singh stands allowed. Therefore, the interim bail granted to petitioner Prithvi Pal Singh vide order dated 11.5.2016 is made absolute subject to his fulfilling conditions under Section 438(2) Cr.P.C.

CRM-M-13617-2016 is allowed accordingly.

(**H.S. MADAAN**)
JUDGE

24.7.2018
Brij

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**