

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

**CRM-M No. 13600 of 2018**

**DATE OF DECISION :- September 04, 2018**

**Arjun Singh**

**...Petitioner**

**Versus**

**State of Punjab and another**

**...Respondents**

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

**Present:-** Mr. H.S. Thiara, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. S.K. Bawa, Advocate for respondent no. 2.

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This petition for pre arrest bail has been filed by petitioner Arjun Singh who is an accused in F.I.R. No. 111 dated 22.8.2016 for offences under Sections 406/498-A IPC registered with Police Station Women, Jalandhar.

Briefly stated the facts of the case as per prosecution story are that complainant Renu Bala daughter of Nirmal Singh resident of H. No. 59, Guru Das Nagar Extension, Near Verka Milk, Jalandhar had submitted a written complaint dated 6.7.2016 addressed to Commissioner of Police, Jalandhar seeking taking of action against her husband Arjun Singh and father-in-law Ranjit Singh, residents of Court Mangal Singh, Ludhiana on the allegations that after her marriage with Arjun Singh on 21.3.2015, she went to reside with her husband and she was shocked to know that he was married earlier. According to her she had given birth to a male child from loins of Arjun Singh

on 11.1.2016; that she came to know about the illicit relation of her husband with one Navdeep Kaur, daughter of Ranjit Singh, resident of Kandaghat and when she confronted her husband he gave her beatings. She disclosed this fact to her father-in-law Ranjit Singh, who instead of scolding his son asked the complainant to stay with him stating that he would fulfill all her desires. In the complaint she has levelled allegations of harassment and torture at the hands of her husband asking her to bring money from her parents. On receipt of the complaint, the matter was enquired into and it was found that there was substance in the allegations.

Formal F.I.R. was registered. Apprehending his arrest Arjun Singh had filed a petition for pre arrest bail in the Court of Sessions, which was assigned to Additional Sessions Judge, Jalandhar, who vide order dated 19.10.2016 dismissed the application for bail observing that there were serious allegations against the applicant and dowry articles were yet to be recovered from his possession. Further more State counsel had stated there that accused had given wrong address of Himachal Pradesh and he was not residing there. It was further observed that if accused is released on bail there is every likelihood of his tampering with evidence of prosecution and giving threats to them.

Arjun Singh had filed a petition for grant of pre arrest bail before this Court earlier, which had been dismissed. He has filed second petition for pre arrest bail. This petition is not maintainable on the face of it.

Pre arrest bail is a relief which is not to be granted in routine but in exceptional circumstances that too to save the innocent persons from harassment and inconvenience but not to shield the criminals from custodial interrogation. Custodial interrogation is certainly more elicitation oriented. A person couched in comparative safety of bail would certainly not come out

with all the information available with him.

Learned counsel for the complainant had pressed into service authorities 'Gandhi versus State of A.P. 1991 (3) Crimes 796, 'Suheb versus State of U.P. 2006(54) AcrC 208' in support of his contentions that second bail application is not maintainable. Whereas according to learned counsel for the petitioner, in the earlier petition for anticipatory bail notice of motion was issued, arrest of petitioner was stayed and petitioner had joined the investigation. However, in absence of counsel for petitioner, who was busy before Division Bench of this Court though his associate had appeared who was not fully acquainted with the facts of the case, counsel for the complainant by making misrepresentation got the petition dismissed. This is not a plausible and satisfactory explanation for filing the second application since no noticeable change in circumstances of the case has taken place. Besides this second petition being not maintainable on merits also the petitioner does not have any case. His custodial interrogation is found to be necessary to effect the recovery of dowry articles belonging to the complainant and for complete and effective investigation. In case custodial interrogation is denied to the investigating agency that would adversely effect the investigation which is uncalled for.

There is no merit in the petition, therefore, the same stands dismissed.

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

**September 04, 2018**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No