

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

CRM-M-15298-2017(O&M)

Date of decision:- 7.8.2018

Jagroop Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Petitioner in person with
Mr.Yogesh Goel, Advocate.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Respondent No.2 in person with
Mr.Rajeev Sharma, Advocate.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner - Jagroop Singh, an accused in FIR No.2 dated 4.1.2017, under Sections 406, 498-A IPC, registered with Police Station Women, Jagraon, District Ludhiana Rural.

Briefly stated, the facts of the case as per prosecution version are that the FIR was got registered by complainant Manpreet Kaur daughter of Kulwant Singh, resident of village Littran, Tehsil Raikot, District Ludhiana, who in a written complaint dated 6.9.2016 addressed to

Senior Superintendent of Police, Ludhiana (Rural) sought taking of action against her husband Jagroop Singh and in laws family for harassing her on account of demanding dowry and cash and with regard to consuming and selling smack by her husband. *Inter alia* in the complaint, it is submitted that she was married with Jagroop Singh son of Rajpal Singh, resident of village Kupkalan, Tehsil Malerkotla, District Sangrur on 7.2.2016; that since her father had expired, her mother gave dowry articles beyond her reach; that after the marriage, she learnt that her husband used to consume smack; that she tried to stop him but he gave beatings to her stating that he could not stop from consuming smack. According to the complainant, her husband also used to sell smack; that she returned to her parental house after 10 days, however, she resumed collaboration with her husband with the intervention of panchayat but after 15 days, she again went back to her parental house; that in that manner a quarrel took place between her, her husband and family members a number of times. According to the complainant, her husband had made a demand of Rs.50,000/-, which she could not get fulfilled; that she had taken Rs.20,000/- from her mother, which she gave to her husband; that her mother in law Bhupinder Kaur, father in law Rajpal Singh and sister in law Neena are also demanding money from her; that her mother being a poor widow is unable to fulfil such demands. She sought taking of legal action against her husband and his family.

After receipt of the complaint, the matter was got inquired into. Thereafter, formal FIR for the offences under Sections 406 and 498-A IPC was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Ludhiana vide order dated 17.4.2017. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records

It may be mentioned here that when the petition was filed and came up for hearing on 3.5.2017, learned counsel for the petitioner had stated that the petitioner was ready to rehabilitate the wife in the matrimonial home if she so agreed but in the alternative he was not averse to the idea of parting ways on payment of reasonable amount towards permanent alimony and maintenance etc. In view of that statement, notice of motion was issued and interim bail was granted to the petitioner. The matter had been referred to Mediation and Conciliation Centre of this Court. However, no settlement could be reached between the parties. A perusal of the complaint goes to show that the main thrust of allegations is against the petitioner, who is husband of the complainant.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in

getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner 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 finding no merit in the petition, the same stands dismissed.

7.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No