

Criminal Misc. No. M- 16518 of 2016 (O&M)

Date of decision : May 01, 2018

Arpinder @ Arpinderpreet Singh

.....Petitioner

Versus

State of Punjab and another

....Respondent

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

Mr. D.S. Sukarchakia, DAG, Punjab.

Mr. Gagneshwar Walia, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 10 dated 23.04.2016 under Sections 406/498A IPC registered at Police Station Kotli Surat Malhi, District Batala.

Contentions on behalf of the petitioner as noted while issuing notice of motion read as under:-

“ Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, there was temperamental differences between the parties and no specific allegation of demand of dowry was alleged. Learned counsel further submits that the petitioner is doing private job, whereas, the complainant-wife is in government service. He further submits that on the asking of the complainant, the petitioner has started to reside separately even in spite of the fact that he is the only son of his parents. In the FIR, it has been mentioned by the complainant that the amount from her account has been drawn for the last more than one year as the card is also with the petitioner, whereas, it has been mentioned in the statement recorded on 24.03.2015 that certain articles in the purse including card were missed. The stand of

the complainant is contradictory. Learned counsel also submits that the petitioner is ready to settle the dispute with the complainant and to abide by all terms and conditions to be imposed by this Court or by the Investigating Officer.”

Learned counsel for the petitioner argues that all dowry articles belonging to the complainant as were with the petitioner have been returned. Demand draft dated 23.07.2016 for a sum of ₹1,00,000/- was also handed over in lieu of any of the articles etc., which may still allegedly be with the petitioner. The said demand draft has been duly encashed by respondent No. 2. It is submitted that the petitioner is not averse to depositing a sum of Rs. 2 lakhs in favour of his minor child without prejudice to his rights. It is further argued that no complaint was ever lodged by respondent No. 2 regarding any kind of ill-treatment or harassment till the registration of the FIR. There is no medical evidence to substantiate the evidence of physical abuse. The petitioner, it is submitted, has co-operated in the investigation and he undertakes not to abuse the concession of anticipatory bail, if confirmed. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while submitting that there are specific allegations against the petitioner. Photocopy of the medico legal report of the complainant dated 18.11.2015 has been furnished in Court today to submit that she was indeed subjected to physical abuse. The said medico legal report reflects abrasion on the left shoulder and complaint of pain on the back of the chest though no external injuries were visible. It is, however, not denied that no such incident of November, 2015 finds mention in the FIR. The said medico legal report is not available on the police file.

It is noticed that strenuous efforts were made for an amicable settlement between the parties, however, the same did not fructify as the petitioner ultimately expressed deep reservations regarding resumption of cohabitation due to intervening events whereas respondent No. 2 is not ready for any kind of settlement except resumption of matrimonial ties.

Learned counsel for the State, on instructions from ASI Joginder Singh, verifies that the petitioner has handed over the articles belonging to the complainant. Demand draft for a sum of ₹1,00,000/- was also submitted by the petitioner and the same was duly handed over to respondent No. 2. It is verified that the petitioner has joined investigation and 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 subject to the petitioner depositing a sum of ₹2,00,000/- in favour of the minor child by way of FDR before the Chief Judicial Magistrate, Gurdaspur without prejudice his rights within six weeks. The said FDR, however, be not encashed till the child attains majority

Consequently, order dated 13.05.2016 is made absolute.

May 01, 2018
rts

(Lisa Gill)
Judge

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