

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

CRM-M-17314-2018

Date of decision:-23.8.2018

Kuldeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.D.K. Chaudhary, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.Pankaj Katia, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner Kuldeep Singh, an accused in FIR No.62 dated 28.7.2017, under Sections 323, 498-A, 406, 34 IPC, registered at Police Station Mansa Devi, Panchkula.

Briefly stated, the facts of the case as per the prosecution

story are that the FIR was got recorded on the basis of written complaint submitted by complainant Ramandeep wife of Kuldeep Singh (present petitioner). *Inter alia*, in the complaint, she submitted that she was married with Kuldeep Singh on 20.1.2011; that at that time her family had given considerable items in dowry including a Cruze car, 40 tolas of gold, one LCD etc; that after some time Kuldeep Singh asked the complainant to bring Rs.20 lakhs more from her family since he wanted to go to Canada; that since the complainant could not get that demand conceded, she was given beatings; that an assembly of respectables was convened and a sum of Rs.5 lakhs was given to Kuldeep Singh, thereafter he went to Canada and he returned to India after a few months; that he told the complainant that since he had to pay taxes for the complainant and their minor daughter Arshdeep, as such, the spouses should get their marriage dissolved, ultimately they got divorce on 13.2.2015; that Kuldeep Singh did not go to Canada; that thereafter the marriage was performed between the complainant and Kuldeep Singh again on 20.10.2016; that at that time, a sum of Rs.2 lakhs was given by family of complainant, however, after some time, the husband and parents-in-law of the complainant started saying that they did not want to keep the complainant in the matrimonial home and started giving beatings to her; that even a false report was lodged against the complainant, then the matter was compromised but maltreatment of complainant at the hands of husband and parents-in-law continued, ultimately, the complainant returned to her parental home and lodged a report with the police by way of submitting written complaint, which formed basis for registration of the FIR.

Apprehending his arrest in this case, petitioner accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court learned Additional Sessions Judge, Panchkula vide order dated 22.3.2018. As such he has approached this Court asking for similar relief.

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

This case has got somewhat peculiar facts that the complainant and petitioner getting married, thereafter getting divorced by mutual consent, then getting re-married and after some time the complainant lodging the FIR. It has to be kept in mind that if behaviour of the petitioner and his family members was cruel towards the complainant, then she should have lodged a complaint against them to the police at that very time. The marriage having been solemnized on 20.1.2011, the FIR in question has been lodged on 28.7.2017 say about six years of the marriage. Again, if behaviour of the petitioner and his family members was cruel with the complainant, then there was no reason for her to give her consent for dissolution of her marriage with the petitioner. Her contention that she agreed to get her marriage dissolved just at the asking of the petitioner that for getting tax benefits in Canada, he wanted a decree for divorce does not seem to be plausible and convincing. Again if attitude of petitioner and his family member was bad with the complainant then there was no reason for her to get remarried with him. Under the circumstances, at this stage the authenticity and truthfulness of allegations in the FIR seems to be somewhat suspicious and doubtful. The petitioner

has already joined the investigation. The custodial interrogation of the petitioner is not found to be essential, therefore, the petition has merit. The interim bail granted to the petitioner vide order dated 30.7.2018 is made absolute, subject to the following conditions:

- 1) that he shall make herself available for interrogation by a police officer as and when required;
- 2) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- 3) that he shall not leave India without the previous permission of the Court; and
- 4) that he surrender his passport before the Investigating Officer if he has got one otherwise to furnish affidavit in that regard.

The petition is allowed accordingly.

23.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No