

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

Criminal Misc. No. M- 17212 of 2017 (O&M)

Date of decision : March 07, 2018

Sumit Singla

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. A.D.S. Sukhija, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. R.S. Rawat, 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 08.04.2017 under Section 406/498A IPC registered at Police Station Women, SAS Nagar, Mohali.

It is submitted that the petitioner has been falsely implicated in this case. Marriage between the petitioner and the complainant was solemnised on 14.04.2010 and a daughter was born out of this wedlock on 11.02.2011. Allegations of ill-treatment and harassment at the hands of the petitioner as well as all the family members are raised. It is stated that demand of dowry was raised. The entire jewellery of the complainant was kept in the custody of her mother-in-law and thereafter taken away by both her sisters-in-law. Allegations of physical abuse are raised. It is stated that the health of the complainant's father-in-law deteriorated as he was detected to be suffering from Cancer in the year 2014. Ultimately, the complainant alongwith her husband and daughter started living separately in rented accommodation in May 2014. Various allegations have been raised against

the petitioner and the in-laws family.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner's sisters-in-law have been found innocent during investigation. Contentions on behalf of the petitioner, while issuing notice of motion, were noted as under:-

Counsel for the petitioner inter alia contends that earlier FIR No. 121 dated 5.4.2011 under Sections 148, 149, 427, 323 of the Indian Penal Code (in short "IPC") was registered in Police Station, Parav Ambala Cantt. wherein father of the complainant namely Vijay Kumar alleged harassment to his daughter on account of demand of dowry but later he gave a duly sworn affidavit dated 17.9.2011 (Annexure P-3) (Colly) that allegations made in the complaint as well as statement under Section 161 of the Code of Criminal Procedure (in short "Cr.P.C.") are the result of ill advice. The alleged victim Seema made a complaint in June 2014 but later she filed an affidavit dated 22.7.2014 (Annexure P-7) deposing that on the instigation and influence of her family members and friends and in a fit of anger, she filed a false complaint against the husband and in-laws family members in Women Cell, Mohali on 29.6.2014. Further argued that as per allegations in the FIR, jewellery of the complainant had been taken away by her sisters-in-law but during enquiry, sisters-in-law of the complainant were found innocent and they are not the accused in the case. The minor child aged about six years, born out of the wedlock is residing with the petitioner. Counsel would submit that in view of repeated allegations raised by the complainant and her family members, it may not be possible for the parties to live together but the petitioner is ready to have an amicable settlement on payment of reasonable amount towards permanent alimony and maintenance etc., in case the complainant so agrees."

This matter was placed before the Mediation and Conciliation Centre of this Court. However, as per report dated 02/03.11.2017, respondent No. 2 – complainant as well as her father adopted an adamant attitude and refused to participate in the mediation proceedings. It is noticed by this Court on 02.02.2018 that respondent No. 2 expressed her willingness to part ways with the petitioner, in case, a sum of ₹20 lakh is handed over to her in respect to all her claims – past, present and future in respect to alimony, maintenance qua her as well as maintenance towards the minor child reported to be in her custody. The petitioner on the said date, however, offered a sum of ₹18 lakhs. This case was adjourned in order to enable the parties to reconcile the said difference in the amount.

Today, the petitioner as well as the complainant alongwith her father, duly identified by their counsel, are present in Court. Respondent No. 2 submits that she does not wish to retain the custody of the minor daughter and seeks to hand over the same to the petitioner as it is not possible for her to bring up a child in a befitting manner on her own. However, she is not ready and willing to accept anything less than ₹20 lakhs as full and final settlement of all her claims qua the petitioner towards alimony, maintenance etc.

The petitioner present in Court has expressed his readiness and willingness to look after his minor daughter. It is submitted that in fact the custody of the child was earlier with the petitioner and she was taken forcibly by respondent No. 2 on 23.05.2017 after passing of interim order dated 16.05.2017 in the present case. DDR No. GD 66 dated 23.05.2017 was registered where the matter was compromised between the parties at that stage. Ultimately FIR No. 69 dated 26.05.2017 was registered at Sector

19, Chandigarh against the complainant side.

I have heard learned counsel for the parties at length.

It is apparent that the petitioner has expressed his readiness and willingness to amicably resolve the dispute with respondent No. 2. However, as noted above no settlement is possible, at this stage.

Learned counsel for the State, on instructions from ASI Balvinder Singh, verifies that the petitioner has joined investigation. He is not reported to be 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. No useful purpose shall be served by taking the petitioner in custody.

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. Consequently, order dated 16.05.2017 is made absolute.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

March 07, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No