

Criminal Misc. No. M-1771 of 2017 (O&M)

Date of decision : February 01, 2018

Jagjiwan Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. G.S. Pannu, Advocate for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Mandeep Kaushik, Advocate for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 196 dated 14.12.2016 under Sections 406/498A IPC registered at Police Station Doraha, District Ludhiana.

It is submitted that the above said FIR was registered merely on account of temperamental differences between the complainant and the petitioner. All the other family members named in the FIR were found innocent during investigation. It is submitted that the petitioner still wishes for resumption of matrimonial ties and seeks to reside together with the complainant and the minor child. All allegations of ill-treatment and harassment as raised in the FIR are not substantiated by any kind of evidence. It is argued that the complainant was never subjected to any kind of ill-treatment, harassment or physical abuse in the matrimonial home. Despite efforts, the complainant did not return to the matrimonial home after the delivery of the child on 03.11.2015. The petitioner has joined

investigation and undertakes to face proceedings. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the complainant has opposed this petition while submitting that specific allegations have been raised against the petitioner.

It is noticed that the parties were referred to the Mediation and Conciliation Centre of this Court but mediation was unsuccessful.

Learned counsel for the petitioner submits that even as on date, the petitioner seeks to resume matrimonial ties with the complainant. The complainant, who is present in Court today, duly identified by her counsel, submits that she is not ready and willing to reside with the petitioner at this stage.

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.

Learned counsel for the State, on instructions from ASI Sukhdev Singh, verifies that the petitioner has joined investigation though it is submitted that certain recoveries are yet to be effected. Be that as it may, this Court in **Prit Pal Singh versus State of Punjab and another 2014 (5) RCR (Criminal) 771** observed that non recovery of certain articles cannot be a ground for not affording the concession of anticipatory bail to the petitioner.

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 19.01.2017

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.

February 01, 2018
rts

(Lisa Gill)
Judge

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