

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

Criminal Misc. No.M- 24445 of 2016(O&M)

Date of Decision: February 12 , 2018.

Gurpreet Singh Bal

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Sandeep Aggarwal, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.183 dated 13.06.2016 under Sections 406/498A IPC registered at Police Station Zirakpur, District SAS Nagar.

It is submitted that the petitioner has been falsely implicated in this case. No allegations of ill-treatment or harassment are made out against the petitioner. It is contended that petition under Section 13 of the Hindu Marriage Act, 1955 filed by the complainant-wife for grant of divorce on the ground of

cruelty was dismissed by the learned Additional District Judge, SAS Nagar, Mohali on 20.02.2016 (Annexure P2) as no truth was found regarding the allegations of cruelty raised by her. It is further contended that the entire articles belonging to the complainant were taken by her when she left the house. Moreover, the petitioner has cleared all arrears of maintenance due towards the complainant till 31.01.2018. He further undertakes to regularly deposit the amount of maintenance as assessed in her favour. The petitioner, it is submitted, has joined investigation and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition. However, it is not denied that petition under Section 13 of the Hindu Marriage Act, 1955 seeking divorce on ground of cruelty has been dismissed by the learned Additional District Judge, SAS Nagar, Mohali on 20.02.2016. It is informed that the appeal against the said judgment is pending before this Court.

Learned counsel for the State, on instructions from HC Parveen Kumar, verifies that the petitioner has joined investigation. However, no recovery has been effected in this case.

It has been held in **Prit Pal Singh v. State of Punjab and another, 2014 (5) RCR (Criminal) 771** to say that non-recovery of certain articles by itself cannot be a ground for not affording the concession of anticipatory bail to the petitioner.

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 before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, order dated 21.07.2016 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

February 12 , 2018.
'om'

(**LISA GILL**)
JUDGE

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