IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25528 of 2017(O&M)

Date of Decision: 09.02.2018

Baljinder Singh Sandhu

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Amit Goyal, Advocate
for the petitioner.

Ms. Monika Jalota, DAG., Punjab.

Mr. T.P.S.Makkar, Advocate
for respondent no.2.

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LISA GILL, J (Oral).

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 52 dated 20.06.2017, under Sections 406, 498-A IPC, registered at Police Station Women Police, Ludhiana.

It is submitted that the petitioner has been falsely implicated in this case due to temperamental differences between the petitioner and his wife-complainant. The complainant has named all the family members of the petitioner. However, except the petitioner, none of them are being proceeded against. Learned counsel for the petitioner submits that marriage between the petitioner and the complainant was solemnized on 16.10.2016 at Ludhiana. However, as the complainant was/is serving as a teacher in Government

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Middle School, Panjetha, Ludhiana, she would proceed to Ludhiana and reside with her parents for most of the week. The complainant barely remained for anytime in the matrimonial home. All allegations of subjecting her to cruelty, ill-treatment etc are palpably false. No demand of luxury car and ₹10 lakhs was ever raised. It is further submitted that petition under Section 9 of the Hindu Marriage Act, 1955, was filed by the petitioner on 20.04.2017. The complainant had moved an application dated 19.04.2017, on the basis of which the present FIR was registered on 20.06.2017. It is submitted that even as on date, the petitioner seeks resumption of matrimonial ties with the complainant but she is not ready and willing for the same. Petitioner, it is submitted has joined investigation pursuant to the interim order passed by this Court. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition inter-alia submitting that a false complaint was even moved by the sister-in-law of the petitioner against the complainant and other family members (Annexure P-4). The said complaint, on investigation has been found to be false as per report dated 20.07.2017. However, it is not denied that the complainant was indeed working at Ludhiana and she used to pursue her avocation while staying for a few days at her parental home. The complainant, it is submitted has expressed her reluctance to resume matrimonial ties due to the unsavoury environment in the matrimonial home as well as the constant demands of dowry raised by the petitioner. Mediation between the parties has failed.

Learned counsel for the State, on instructions from HC Sukhdev

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Singh, verifies 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 as above, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 18.07.2017, 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. The same are solely confined for the purpose of decision of the present petition.

[LISA GILL]
Judge

09.02.2018
s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.

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