

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

CRM-M-26328-2017(O&M)

Date of decision:-24.9.2018

Rajpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Mr.APS Jangu, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Mr.K.S. Brar, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Rajpreet Singh, an accused in FIR No.58 dated 8.6.2017, under Sections 498-A, 406 IPC, registered at Police Station City-II, Abohar, District Fazilka.

Briefly stated, the facts of the case, as per the prosecution story, are that the FIR has been registered on the basis of written complaint submitted by Gaganjyoti wife of Rajpreet Singh, daughter of Bhoop Singh, then residing with her parents at Street No.2, Old

Surajnagari, Abohar, Tehsil Abohar, District Fazilka and that complaint was address to S.P. Punjab Police, Abohar and taking of action against Rajpreet Singh – husband, Charanjit Kaur – mother-in-law, Kamaldeep Singh – brother-in-law i.e. husband's brother of complainant was sought. In the complaint, the complainant alleged that she was married with Rajpreet Singh on 26.5.2013; that at the time of her marriage, her family had spent a lot of money giving considerable items in dowry including costly jewellery and other luxury items, which were entrusted to husband and his family members but were meant for use of complainant and were to be returned to her on her reaching matrimonial home but it was not so done, rather she was harassed and maltreated by them in connection with demand of more dowry; though the complainant had given birth to a daughter named Meharpreet, now aged about 2 ½ years and a son named Akamjeet aged 7 months from the loins of Rajpreet Singh but that did not bring any change in behaviour of the accused towards her; once when the complainant was in family-way, accused took her to hospital for getting the pregnancy terminated but the complainant escaped and later on gave birth to a child; that Panchayats were convened to counsel the accused but to no effect; the complainant along with her children was turned out of the matrimonial home, then she reported the matter to the police and formal FIR was recorded. Investigation was started.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Fazilka vide order dated 7.7.2017. As such,

the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record and I do not find any merit in the present petition.

The allegations against the petitioner are quite serious of harassing and maltreating his wife – the complainant, in connection with demand of dowry. Though the petitioner has levelled allegations of adultery against the complainant stating that she was involved with several other persons and the petitioner has recordings, which have been annexed with the divorce petition and on 29.5.2017 during the proceedings in divorce petition, the complainant had admitted that she had established physical relations with other persons as the petitioner could not satisfy her and that the present FIR is counter-blast to the divorce petition filed by the present petitioner against respondent on 1.9.2016, however, learned counsel for the complainant has refuted the allegations contending that the petitioner has made up this plea just to create probable defence and to make out a case for grant of bail. It has been pointed out by learned counsel for the complainant that when this petition was filed, notice of motion had been issued since the petitioner had stated that he wished to amicably resolve the dispute with his wife. It is so recorded in the interim order dated 25.7.2017. It is contended that the recovery of gold jewellery items and cash amount is yet to be effected, therefore, custodial interrogation of the petitioner is required.

After hearing the rival contentions, I find that though the petitioner has levelled allegations of adultery against the complainant but it is difficult to believe that the complainant having given birth to two children from the loins of the petitioner would state that petitioner was not in a position to satisfy her sexually. The petitioner does not challenge the paternity of those two children. No cogent or convincing evidence in the form of any documentary evidence is there in support of such allegations. As stated by the State counsel that though the petitioner has joined the investigation but recovery of a part of jewellery articles in the form of gold jewellery articles etc. is yet to be effected.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

24.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No