

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

CRM-M-27752-2018

Date of decision:-30.7.2018

Prithipal Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Vivek Gupta, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Prithipal Singh @ Laddi, an accused in FIR No.206 dated 21.12.2017, under Sections 306, 34 IPC, registered with Police Station Dasuya, District Hoshiarpur.

Briefly stated, the facts of the case as per prosecution version are that Menaka wife of Prithipal Singh @ Laddi (present petitioner), resident of Chak Kasam was admitted in a serious condition in K.N.Mahingi Memorial Hospital, Dasuya due to consuming some poison. On getting information, the police party from Police Station Dasuya went there. Her statement was got recorded by Judicial Magistrate Ist Class, Dasuya. In the said statement made by Menaka recorded in question answer form, she stated that her in-laws family used to treat her with

cruelty and she used to visit doctor to take medicine and on that day, she was going to Doctor Shashi to get medicine, then her husband Prithipal Singh @ Laddi gave beatings to her mother, who had come to visit them. He took away her mobile phone and broke the same, as such, she (Menaka) consumed the wheat grain tablets (celphos) and she wanted to take divorce from Prithipal Singh @ Laddi as he used to beat her earlier also and when Prithipal Singh @ Laddi used to beat her nobody came to her rescue. Menaka subsequently expired. On the basis of her statement recorded by Judicial Magistrate Ist Class, Dasuya, formal FIR was registered.

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, Hoshiarpur vide order dated 17.2.2018. 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.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

The allegations against the petitioner are very serious of having abetted suicide of his wife inasmuch as he had been giving

beatings to her and torturing her.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to find out as to why and how he had been perpetrating cruelty upon his wife and under what circumstances, she had taken the extreme step of suicide by consuming celphos tablets. 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.

30.7.2018

Brij

Whether reasoned/speaking

Whether reportable

:

Yes/No

:

Yes/No

(H.S.MADAAN)

JUDGE