

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

CRM-M-30686-2017

Decided on: 09.02.2018

Kuljit Singh

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Rajiv Vij, Advocate,
for the complainant.

LISA GILL, J (ORAL)

The petitioner seeks the concession of anticipatory bail in FIR No. 104 dated 20.07.2017 under Section 406, 498-A IPC, registered at Police Station Bhogpur, District Jalandhar.

It is submitted that the present FIR has been registered due to an apprehension/suspicion which has arisen in the complainant's mind regarding the petitioner having illicit relations with another lady. It is further submitted that marriage between the petitioner and the complainant was solemnized on 12.10.2011. Till the registration of the FIR on 20.07.2017, no complaint whatsoever was ever lodged by the complainant against the petitioner. It is further submitted that absolutely incorrect allegations have been levelled in the FIR. The complainant and the child were never thrown out of the matrimonial home. It is wrongly stated that the petitioner forcibly snatched the minor child. In fact the minor child is being looked after by the petitioner and is in his care and custody. The falsity of the allegation of snatching the child is apparent from the fact that no specific date or time of the alleged incident has been mentioned. Moreover

the complainant has not filed any petition seeking the custody of the minor child. It is, therefore, prayed that this petition be allowed.

It is noticed that matter was placed before the Mediation and Conciliation Centre, but an amicable resolution of the dispute between the parties did not materialize.

Learned counsel for the complainant has opposed this petition. It is, however, not denied that marriage between the petitioner and the complainant was solemnized in October 2011 and at this stage, there is nothing on record to show any complaint filed by the complainant against the petitioner from the date of marriage till registration of the FIR. Learned counsel for the complaint is unable to deny that no petition has been filed by the complainant seeking custody of the minor child till date.

Learned counsel for the State, on instructions from HC Jagjit Singh, verifies that the petitioner has joined the investigation. The petitioner is not reported to be involved in any other criminal case. There is no allegation on behalf of the State that the petitioner is likely to abscond.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition. Consequently, in the event of arrest of the petitioner, he be released on bail to the satisfaction of the Arresting/investigating Officer. The petitioner shall join investigation as and when called upon to do so. Petitioner shall comply with the conditions stipulated in Section 438 (2) Cr.P.C.

(LISA GILL)
JUDGE

09.02.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No