

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

CRM-M-37941-2017

Date of decision:-27.7.2018

Hardial Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Argued by: Mr.Sarbjit Singh, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

Ms.Harjit Kaur – respondent No.2 in person.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Hardial Singh, an accused in FIR No.61 dated 28.7.2017, under Sections 406/498-A IPC, registered at Police Station Women, Ludhiana.

Briefly stated, the facts of the case are that complainant Harjit Kaur daughter of Joginder Singh, resident of House No.14998, New Subhash Nagar – D, Grewal Colony, , Ludhiana had submitted a written complaint to police seeking registration of a case against her husband – Hardial Singh, mother-in-law – Randhir Kaur, mother-in-law's sister Jeeti, mediators Gurnam Singh and Rani on the allegations that at the time of

her marriage, her parents had spent considerable amount giving sufficient dowry articles including motorcycle of Bajaj company, gold items etc.; that the dowry articles had been given to her husband and his family members with the understanding that those would be given to complainant on demand on reaching the matrimonial home but it was not so done; that the accused committed criminal breach of trust with regard to such articles; that after the marriage all the accused started harassing and maltreating the complainant so as to force her to bring more dowry articles; that when the complainant was unable to meet such demands, then she was given beatings by her mother-in-law and sister-in-law. In the complaint to the police, which formed basis for registration of the FIR several instances of such maltreatment and harassment have been given. After registration of the FIR, the matter was investigated.

Apprehending his arrest in this case, the petitioner has approached the Court of Sessions for grant of pre-arrest bail but his such application was declined by learned Additional Sessions Judge, Ludhiana vide order dated 13.9.2017. Feeling aggrieved, he has approached this Court for grant of similar relief.

Notice of the petition was issued to the respondents, who put in appearance through counsel.

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

It may be mentioned here that vide order dated 10.10.2017, notice was motion was issued since the petitioner had expressed a desire of living together with respondent No.2. Learned counsel for the petitioner had submitted that there was possibility of an amicable

resolution of dispute between the parties. The matter was referred to Mediation and Conciliation Centre of this Court to explore the possibility of amicable resolution of the dispute between the parties. However, the mediation did not prove to be successful, reason being that the petitioner had not appeared there on any of the date fixed. This is so noticed in the report dated 8.5.2018 by the Mediator. Such conduct of the petitioner goes to show that he had made a wrong statement in the Court that he was interested in having amicable settlement with his wife when he actually did not mean to do so. He got the relief of his arrest being stayed by making such statement. Rather he tried to take the Court for a ride by making such statement and getting his arrest stayed, without actually meaning to have settlement. His absence before the Mediator goes to show that the statement was made by him with a *malafide* intention. Though he is shown to have joined the investigation but then as per the statement by the State counsel, he has not got the complete recovery effected especially gold jewellery articles.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to effect the recovery of dowry articles including gold jewellery. In case custodial interrogation of the petitioners 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.

27.7.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No