

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

CRM-M- 44792 of 2016(O&M)

Date of Decision:06.03.2018

Ravinder SinghPetitioner

Vs.

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Deepak Vermal, Advocate for the
petitioner.

Mr.Manpreet Singh Sandhu, AAG, Punjab.

Mr.Ramandeep Singh, Advocate for
Mr.J.B.S. Gill, Advocate for the complainant.

LISA GILL J. (ORAL)

The petitioner seeks the concession of anticipatory bail in FIR No.69, dated 08.05.2016 (Annexure P-3) under Sections 406, 498-A IPC, registered at Police Station Mahtiana, District-Hoshiarpur, Punjab.

It is submitted that the present FIR has been lodged due to temperamental differences between the complainant and the petitioner. Marriage between the petitioner and the complainant was solemnized on 05.02.2006. The petitioner was residing in Canada in connection with his work. It is further submitted that the efforts were made for enabling the complainant to join the petitioner in Canada, but the authorities in Canada refused entry to her. Appeal against the decision was filed, but the same was also dismissed by the Immigration Appeal Board, Canada on 02.11.2012. The complainant, it is submitted that left the matrimonial home in India in November 2012 itself after the dismissal of the appeal. It is urged that the complainant as well as her parents submitted affidavits before the Immigration Board, Canada, wherein it is specifically mentioned that the petitioner is looking after the complainant and has also sent money towards her

maintenance and she would like to join him in Canada. Photocopies of the said affidavits of the complainant and her parents filed in Court today, is taken on record subject to all just exceptions.

Learned counsel for the petitioner vehemently argues that the complainant herself does not wish to reside with the petitioner any longer, as she was unable to join him in Canada. There is no explanation as to why the present FIR has been lodged in the year 2016 even though she had left the matrimonial home in November, 2012. This fact by itself, it is urged, reflects the falsity of the prosecution case. Moreover, the petitioner has joined investigation. Recovery has been effected. It is, thus, prayed that this petition may be allowed.

Learned counsel appearing for the complainant submits that the efforts made by the petitioner to facilitate the transit of the complainant to Canada were not bona fide, though, the submission of affidavits of the complainant and her parents as mentioned above are not denied. It is further not denied that the complainant was not residing in the matrimonial home since November 2012 (as per allegations, she was left at her parental home by her mother-in-law and was thereafter not allowed to come back to her matrimonial home) and the present FIR was lodged on 08.05.2016, on the basis of a complaint submitted by her on 29.01.2016.

Learned counsel for the State, on instructions from HC Kashmiri Lal, verifies that the petitioner has joined investigation and recoveries of certain articles have been effected, though, it is submitted that some of the articles are still to be recovered. The petitioner is not reported to be involved in any other case.

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 and order dated 15.12.2016 passed by this Court is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

(LISA GILL)
JUDGE

06.03.2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No