

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

Criminal Misc. No. M- 6389 of 2017 (O&M)

Date of decision : February 26, 2018

Gurminder Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sandeep K. Sharma, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. J.P.S. Ahluwalia, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 12 dated 06.08.2016 under Sections 406/498A IPC registered at Police Station Women, SAS Nagar, Mohali.

As per the allegations in the FIR, marriage between the petitioner and the complainant was solemnised on 18.04.2015. It is alleged that the complainant was subjected to ill-treatment and harassment on account of insufficient dowry. The petitioner and the complainant started residing at Zirakpur in separate premises from 01.10.2015. However, on 28.10.2015 the complainant was subjected to physical abuse by the petitioner and since then she is residing with her parents. A complaint in this regard was submitted on 21.01.2016 though the FIR was registered on 06.08.2016.

It is submitted that the above said FIR has been registered due to temperamental differences between the parties. An effort was even made by the petitioner to cohabit with the complainant separately away from his family members at Zirakpur but the complainant left the matrimonial home. It is submitted that incorrect averments of demand of dowry etc. have been made in the FIR. The complainant was never subjected to ill-treatment and harassment at the hands of the petitioner or his family members on account of insufficient dowry etc. Moreover, there is nothing on record to substantiate the averments regarding physical abuse levelled in the FIR. It is further submitted that the matter was amicably resolved between the parties on 08/09.03.2017 (Annexure P-3/T). However, respondent No. 2 backed out of the compromise while wrongly stating that the matter was resolved under pressure of the police authorities. It is vehemently argued that the petitioner is a resident of Sirsa in Harayna. He has no connection whatsoever with the police authorities at Mohali where the settlement has been arrived at. It is clear that respondent No. 2 no longer wishes to adhere to the terms and conditions of the settlement a mere excuse is being raised in this respect. The petitioner, it is stated, has joined investigation and undertakes to hand over any articles of respondent No. 2, which may still be lying with him. He also undertakes not to abuse the concession of anticipatory bail, if confirmed. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant opposes this petition while submitting that the complainant was subjected to severe ill-treatment and harassment, however, it is not denied that there is no medical evidence at this stage to substantiate the allegations of physical abuse meted out to the complainant. It is reiterated that compromise dated 09.03.2017 was arrived at due to the pressure of the police authorities and was not arrived at out of the free will of the complainant.

Learned counsel for the State, on instructions from ASI Lakhwinder Singh, verifies that the petitioner has since joined investigation though recovery is still to be effected from him. It is specifically denied that there was any kind of pressure by the police authorities upon any of the parties for a settlement. The petitioner is not reported to be involved in any other criminal case.

This Court in **Prit Pal Singh versus State of Punjab and another 2014 (5) RCR (Criminal) 771** to say that non recovery of certain articles by itself cannot be a ground for not affording the concession of anticipatory bail to the petitioner. No useful purpose shall be served by taking the petitioner in custody.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is

considered just and expedient to allow this petition. Consequently,
order dated 28.02.2017 is made absolute.

February 26, 2018

rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No