

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

CRM-M No.5462 of 2018

Date of decision: 6th December, 2018

Paras

... Petitioner

Versus

UT Chandigarh & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Raj Kapoor Malik, Advocate for the petitioner.

Mr. Kuldeep Tiwari, APP UT Chandigarh
for the respondent No.1/UT.

Mr. Harish Chhabra, Advocate for respondent No.2.

FATEH DEEP SINGH, J.

Brief allegations in this first anticipatory bail application under Section 438 Cr.P.C. against the petitioner husband Paras as levelled by the complainant wife Suman are that their marriage took place on 16.02.2014 and on account of matrimonial dispute arising due to demand of dowry, wayward habits of the husband and arrogant behaviour of mother-in-law and sister-in-law forced her to file the present complaint leading to registration of FIR No.38 dated 18.05.2017 at Police Station Women Chandigarh under Section 498-A IPC.

Learned counsel for the petitioner Mr. Raj Kapoor Mallik, Advocate submits that since the offence under Section 498-A IPC has been slapped and there is no need for custodial interrogation of the petitioner and further submits that the petitioner on his own has handed

over the ornaments of *Stridhan* left behind by the wife to the police and that the petitioner has already joined the investigations in compliance of the orders of interim bail dated 08.02.2018.

Learned counsel for the UT Chandigarh on instructions from HC Rohtash Singh assisted by Mr. Harish Chhabra, Advocate representing the complainant/respondent No.2 has sought to oppose the bail on the grounds that the sister-in-law has damaged right eye of the complainant and in spite of interim bail having been secured by the petitioner he has still committed another offence against the complainant for which a complaint has already been filed.

It is vehemently submitted by learned counsel for the complainant/respondent No.2 that police is rather helping the petitioner by not slapping offence under Section 406 IPC and other such offences in the light of allegations in the written complaint made by the complainant.

Going through the submissions, it is not displaced that in consequence of the orders of interim bail dated 08.02.2018 the petitioner has since then joined the investigations and being an offence purely under Section 498-A IPC nothing is to be recovered. The allegation of damage to right eye at the instance of sister-in-law of the petitioner does not stand corroborated by any of the allegations or medical record, except the fact that the wife has some eye-ailment. In the light of these peculiar circumstances, this Court is of the view that sending the petitioner behind bars would be a travesty of justice. Accordingly, the interim bail granted

to the petitioner vide order dated 08.02.2018 is made absolute on the same terms and conditions till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 6, 2018
rps

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