

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 9736 of 2018 (O&M)

Date of decision : 17.9.2018

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Sumanjit Singh

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Munish Gupta, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, Assistant Advocate General,
Punjab.

Complainant in person with
Mr. S.S. Rangi, Advocate.

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H. S. Madaan, J.

CRM 32882 of 2018

This is an application for placing on record additional
documents as Annexures P-6 to P11.

Heard.

Allowed subject to all just exceptions.

The application stands disposed of accordingly.

CRM-M-9736-2018

This petition for pre-arrest bail has been filed by

petitioner Sumanjit Singh, an accused in FIR No. 181 dated 22.11.2017, for offences under Section 498-A, 406 IPC, registered at Police Station Mataur, District SAS Nagar, Mohali.

Briefly stated, facts of the case, as per the prosecution story are that complainant Harvir Kaur, was married with Sumanjit Singh accused-petitioner on 28.10.2012. At that time her parents had spent a considerable amount giving costly and expensive items to her in marriage, including gold jewellery. However, husband and his family members were not satisfied by the dowry brought by the complainant and they had been harassing and maltreating her in connection with demand of more dowry. Though father of the complainant had given an amount of Rs. 1 lac to her husband Sumanjit Singh and his brother Bikramjit Singh, but that failed to satisfy the accused. According to the complainant, her all dowry articles are in possession of her husband and members of his family. On the basis of statement of complainant Harvir Kaur, formal FIR was recorded.

Apprehending his arrest in this case, petitioner Sumanjit Singh had approached the Court of Sessions by way of moving a petition for grant of pre-arrest bail. It was assigned to Additional Sessions Judge, SAS Nagar, Mohali, who vide order dated 26.2.2018, dismissed the petition, as such the petitioner has approached this Court by filing the petition in hand seeking anticipatory bail.

The prayer is being resisted by the State counsel, as well as, counsel representing the complainant. I have heard learned counsel for the petitioner, learned State counsel, as well as learned

counsel for the complainant, besides going through the record.

Counsel for the petitioner has placed on file copy of order dated 2.7.2018, passed by Additional Civil Judge (Senior Division), SAS Nagar, vide which the petition was allowed and respondent was directed to join the company of the petitioner within a period of one month from the date of order. The version set up by the respondent, who is complainant, with regard to her harassment on account of demand of dowry and her husband having treated her with cruelty and then ultimately turning her out of the matrimonial home alongwith minor daughter on 26.9.2016, was not believed. Copy of statement of complainant which was recorded in a petition for maintenance filed on behalf of minor daughter of the parties Manseerat Kaur against her father Sumanjit Singh has been filed. During the cross examination, she had admitted that she does not wish to go back with respondent or to comply with decree for restitution of conjugal rights passed by the Court. According to learned counsel for the petitioner, it comes out that the allegations levelled by respondent complainant of her harassment, maltreatment at the hands of her husband on account of demand of dowry are false and as a matter of fact she is keeping away from the matrimonial home of her own.

Whereas learned counsel for the complainant has something else to say. He has submitted that when the present petition was filed, it was submitted on behalf of the petitioner that he wanted to resolve the entire dispute with the complainant wife in an amicable manner, keeping in view the future of the minor daughter

and further dowry articles had been returned and in case any of them are still left with him, the same would be returned. He has contended that notice of motion was issued on the basis of such statement made on behalf of the petitioner and it is dully incorporated in the interim order dated 08.3.2018. The complainant had appeared in the Court through counsel and it was observed that resumption of matrimonial ties between the parties may not be possible, however, both of them are not averse to an amicable parting of ways, therefore, the matter was referred to the Mediation and Reconciliation Centre of this Court. But the matter could not be settled there and as per report received from the Mediation Centre, parties could not reach any amicable settlement. The case was received back in this Court. Efforts for amicable settlement of the dispute were made by this Court, but they did not prove to be fruitful.

Learned State counsel has submitted that though the petitioner has joined the investigation, but complete recovery has not been got effected by him. Therefore, his custodial interrogation is necessary. Whereas, this fact is disputed by the learned counsel for the petitioner.

After hearing the rival contentions, I find that though petitioner had offered to have an amicable settlement with his wife, but from the record it comes out that he did not make sincere efforts in that regard. Secondly, though he has got a decree for restitution of conjugal rights in his favour and the complainant is not shown to have any inclination to return to the matrimonial home, but then it does not mean that the entire version of the complainant has to be

discarded. The matter is still at the stage of investigation and the entire case of the complainant cannot be disbelieved for such like reasons.

Learned State counsel has stated that though the petitioner has joined the investigation but entire recovery has not been got effected by him. Custodial interrogation of the petitioner is found to be necessary for complete and effective investigation of the case and to effect recovery of the remaining dowry articles of the petitioner. If the same is denied to the Investigating Agency, that shall adversely affect the investigation.

Counsel for the petitioner has referred to authority **Bhupinder Singh etc. vs. State of Punjab 2014 (2) RCR (Criminal) 109**, by a Coordinate Bench of this Court, wherein it was observed that anticipatory bail could not be rejected on the ground that dowry articles were not recovered from the accused. That authority does not find application, since custodial interrogation of the petitioner is found to be necessary, not only to effect the recovery but also for complete and effective investigation, in light of the allegations levelled by the complainant.

Thus finding no merit in the petition, the same stands dismissed.

17.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No