

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6516-2019 (O&M)
Date of Decision: 31.5.2019

Pardeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

Ms. Navjot Kaur, complainant in person.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.210 dated 23.10.2018 at Police Station Kartarpur, District Jalandhar under Sections 328 and 120-B of Indian Penal Code, 1860.
2. The FIR was registered at the instance of Navjot Kaur, wherein she has stated that when she was working in FSL Company, Basti Bawa Khel, Jalandhar in the year 2016, she became friendly with Pardeep Singh, who, while holding out promise of marriage, established physical relations with her, due to which she became pregnant. However, when Pardeep Singh refused to marry her, then she approached the police and FIR No.23 dated

27.4.2017 at Police Station Woman, Jalandhar under Sections 420, 376 and 120-B of Indian Penal Code was lodged in which Pardeep Singh, his mother Manjit Kaur and grandmother Vijay Kumari were arrested. However, later a compromise was effected as per which it was agreed that Pardeep Singh, after marriage, will keep her properly and will transfer ownership of the house in complainant's name. Pursuant to the said compromise Pardeep Singh, his mother Manjit Kaur and his grandmother Vijay Kumari were granted bail and thereafter on 11.6.2018, the complainant married Pardeep Singh. Two months thereafter, a girl child was born to the complainant. Although, on the basis of the statement made by the complainant, the earlier FIR was withdrawn but the accused did not transfer the house in complainant's name and instead her mother-in-law Manjit Kaur and her sister-in-law Amandeep Kaur started harassing the complainant. The complainant, however, kept on tolerating the excesses. Later she came to know that the petitioner had also attempted to take an *ex parte* divorce.

3. It is further alleged in FIR that on 19.10.2018, when complainant's daughter became ill and even the complainant was unwell, the petitioner gave her an envelope while telling her that there is medicine in it and that she will get better after taking the said medicine. On 20.10.2018, when the complainant felt pain in her chest, she consumed medicine from the bottle, which the petitioner had given her, but after 5-10 minutes she started feeling dizzy and uneasy and went to the bathroom and fell down. It is alleged that she called her mother and fell unconscious and later her mother came and arranged for a vehicle and took her to civil hospital. It is alleged that earlier also the complainant's husband, her mother-in-law, her grandmother-in-law and her sister-in-law had instigated her to commit suicide.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that apparently the complainant is trying all kinds of 'arm-twisting' to extract more money and to pressurize the petitioner into giving away his property to her. The learned counsel has further submitted that the bottle, from which the complainant had consumed the medicine, was sent for chemical examination and as per the report of chemical examiner, the same was found to contain 'Benadryl' and 'Terpineol' (disinfectant) and that in these circumstances, it cannot be said that the petitioner had administered any poison or had attempted to kill her or had instigated the complainant to end her life by committing suicide.
5. Opposing the petition, the learned state counsel has submitted that keeping in view the past record of the petitioner, who had earlier held out false promise of marrying the complainant but had refused to marry her later, due to which FIR No.23 dated 27.4.2017 under Section 376 came to be lodged against him, which was compromised upon his assurance of marrying the complainant, the petitioner does not deserve the concession of anticipatory bail as even after marrying the complainant, he has been ill-treating her and had virtually attempted to end her life. It has been submitted that the chemical examiner's report shows that apart from 'Benadryl', there is one more chemical in the nature of 'disinfectant' and, as such, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court.
7. The facts of the case especially the past conduct of the petitioner does reveal that the petitioner, who had earlier refused to marry the complainant, despite having made her pregnant and has not fully honoured the compromise stated

to have been effected amongst the parties at the time when petitioner was facing trial for offence u/s 376 IPC and has been trying to get rid of her. In these circumstances, no special case for grant of anticipatory bail is made out. The petition is sans merit and is dismissed.

8. However, in case the petitioner surrender before the Trial Court/Ilaqa Magistrate within 2 weeks from today and moves an application for grant of regular bail, the Court shall endeavour to dispose of the same expeditiously, preferably within a period of one week from filing of such application

31.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No