

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-11196 of 2015 (O&M)

Date of decision : September 27, 2019

Ajay Kumar Singla

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sunny K. Singla, Advocate, for the petitioner

Mr. Harbir Sandhu, AAG, Punjab, for the State

Mr. PS Ahluwalia, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner Ajay Kumar Singla happens to be father-in-law of present complainant Meenal Rani and has been arraigned as an accused in case bearing FIR No. 167 dated 26.11.2014 under Section 406 IPC, Police Station Women, Patiala in which the present first anticipatory bail has come about.

As per the facts marriage between the complainant and Hitesh Singla was solemnized on 17.11.2010, out of which a female child was born to the couple. While the family was coming in a car on 8.3.2014 it met with an accident resulting in death of Hitesh Singla, the child and injuries to the other occupants including the complainant. The allegations of the complainant are that on her marriage her parents had given 21 bowls i.e. 22 kgs 140 grams of silver articles and 10 tolas of gold besides house hold articles comprising of LCD, scooter, Almirah, furniture etc. and other white line appliances. However, the accused-petitioner and his wife mother-in-law who were not happy with the articles given at the wedding and had been at odds with the complainant after the accident managed to usurp the same and refused to return it back and even the complainant had been thrown out of her own house which is in her name because of her physical disability suffered during the accident.

Mr. Sunny K. Singla, learned counsel for the petitioner has argued that it is a false case which has been got registered by the complainant after four years of the marriage and is an arm twisting tactics to usurp the property of Hitesh Singla deceased to the exclusion of the petitioner's side arguing that neither there is any

case of specific entrustment much less any cause for recovery of the same.

Mr. Harbir Sandhu, AAG, Punjab learned State counsel assisted by Mr. PS Ahluwalia, counsel for the complainant have made fervent attack on the conduct of the petitioner arguing that after the complainant was hospitalized, she has not been allowed to enter her home which is in her name and all her articles have been usurped by the accused. All these articles including 22 kgs 140 grams of silver and 10 tolas of gold and other house hold goods are in possession of the petitioner and therefore, prayed for grant of custodial interrogation to enable them to recover the same.

As is there before this Court, at the wedding as has been alleged by the complainant, these precious metals, household articles including cash were given and after the accident while the complainant was hospitalized, the accused have taken forcible possession of the house and usurped her articles of Ishtridhan. Thus as has been claimed by the learned State counsel, recovery of the same necessitates custodial interrogation of the petitioner. More-so as is the apprehension of the State, if allowed bail, the petitioner might influence the investigations and the trial and the fact that provisions of Section 438 Cr.P.C. are to be sparingly used, no

case for grant of bail is made out. The present petition thus stands dismissed.

September 27, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No