

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

CRM-M-8174-2019 (O&M)

Date of Decision:-28.8.2019

Swaran Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gaurav Sharma, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

Mr. Kamal Narula, Advocate for respondent No.2.

GURVINDER SINGH GILL, J.

1. The petitioner Swaran Singh has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.10 dated 17.1.2019 at Police Station Women Cell, District Ludhiana, Punjab under Sections 498-A and 406 of Indian Penal Code.
2. The FIR was lodged at the instance of petitioner's wife namely Sunita, wherein it has been alleged that she was married to Swaran Singh (petitioner) on 4.9.2019 and that her parents had given *stridhan* comprising of gold jewellery, expensive clothes, furniture, electrical articles etc. at the time of marriage, which was initially handed over at the time of marriage to the complainant's husband Swaran Singh, mother-in-law Sumitra Devi, 'deor' Dalwinder Singh (brother-in-law), 'mama sauhra' Tarlok Singh (husband's

uncle). However, after marriage, when the complainant after reaching her matrimonial home, asked for the *stridhan*, the same was not handed over to her. It is alleged that complainant's husband and other members of his family were, however, not happy with the dowry articles and started taunting her and demanded more dowry and an amount of ₹2 lacs. It is further alleged that the complainant's husband is addicted to liquor and did not give any amount to her for necessary expenses and infact gave beatings to her on several occasions in connivance with other members of his family and ultimately she was thrown out of her matrimonial home. It is further stated therein that for some time she alongwith her husband had also resided separately at Mohali, but her husband kept on giving beatings to her being instigated by other members of his family.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged by cooking allegations and that infact it is a case of matrimonial incompatibility between the petitioner and his wife, which has been given the colour of a criminal offence.
4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that since there are specific allegations levelled against the petitioner and that since the articles of dowry are yet to be recovered, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Apparently, the present case has arisen out of matrimonial discord amongst the parties. At this stage, this Court does not deem appropriate to make any comment on the merits of the case or as regards the veracity of allegations. The petitioner, in any case, is stated to have joined investigation.

7. Having regard to the facts and circumstances of the case, this Court does not find it to be a case warranting custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 5.4.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. The present petition stands accepted accordingly.

28.8.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No