

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-17684 of 2016 (O&M)
Date of decision : May 14, 2019

Harjinder Singh and another

....Petitioners

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Isha Goyal, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State
Mr. Karan Nehra, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioners-accused Harjinder Singh and Mandeep Singh have sought anticipatory bail in this case bearing FIR No. 29 dated 24.2.2016, under Sections 323, 406, 498-A IPC, Police Station City Kapurthala, got registered by respondent no. 2 Manpreet Kaur who happens to be estranged wife of petitioner Mandeep Singh.

The brief allegations are that the marriage between the complainant and petitioner Mandeep Singh took place on 28.1.2012 and wherein being marriage between two families of affluence was a

lavish affair wherein sufficient dowry by way of gold, costly articles, gifts, cash and a car were given on the demands of the accused side. The complainant has alleged that the family of the accused were unhappy with the dowry on account of which she was often taunted, maltreated, physically and mentally abused and as a consequence of which matrimonial dispute ensued between the two sides and wherein it is also alleged that car of the girl was fraudulently sold off by the husband and inspite of birth of baby girl the wife claims that the family of the husband including the husband himself did not bother and on account of this squabbings led to physical abuse of the complainant who claims to have received injuries and subsequently a case was got registered.

Ms. Isha Goyal, learned counsel for the petitioners inter-alia contends that it was pure misadjustment between the couple and that the father of the girl being influential political figure got registered the present case on false concocted allegations. It is contended that articles of Ishtiridhan have already been recovered by the police and nothing more is required to be recovered. Infact termed this dispute to have its roots to dispute between the company owned by the husband's father and the Education Trust being headed by the girl's father and has termed the allegations of sale of car of the girl fraudulently by the accused side to be a figment of imagination of

blatant falsehood argued that since the year 2016, the petitioners are on interim bail and at this juncture sending them behind the bars would be traversity of justice.

Learned State counsel, Mr. Avtar Singh Sandhu, Addl. AG Punjab assisted by HC Amritpal Singh, PS City Kapurthala and Mr. Karan Nehra, counsel for the complainant have vociferously opposed the grant of bail on the grounds that the accused side has duped the complainant not only of her costly articles of Ishtidhan including fraudulent sale of her car by forging her signatures but has also caused immense physical and mental abuse to the female complainant. It is further contended that there are specific allegations of physical abuse and which is well corroborated from the medical evidence and therefore, custodial interrogation of the petitioners is very much essential.

As is there apparent from the records, the medico legal report placed on the records shows only simple injuries by blunt means to the complainant. Further-more the own records of the complainant side by way of account statement of the year 2016 reflects that the cash receipt of the sale of this car has been duly reflected in the ledger account statement of the complainant. Most of the articles as per the memo of recovery is shown to have been recovered. Besides the fact that the petitioners are enjoying the

concession of interim bail since 1.6.2016 around three years and it would be an exercise in futility to send the petitioners behind the bars. Without feeling the necessity to advert further on to the merit else it might prejudice either party at the trial, it is a fit case for grant of anticipatory bail. However, the petitioners shall join the investigations as and when required and fully cooperate there-with.

In view of aforesaid, the interim bail granted to the petitioners vide order dated 1.6.2016 is made absolute till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. The petitioners shall abide by the conditions laid down in Section 438(2) Cr.P.C.

With these observations, the present petition stands disposed off.

May 14, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No