

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM M-20024-2018 (O&M)
Date of Decision : 10.01.2019**

Gursewak Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. V.S.Rana, Advocate for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

Mr. Vishal Rattan Lamba, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 438 Cr.P.C. for grant of pre-arrest bail in case FIR No.0060 dated 28.12.2017, registered under Sections 498-A, 406, 494 IPC at Police Station Women Cell, Bathinda, District Bathinda.

The allegations levelled against the petitioner and his family members are with regard to demand of dowry and further that the petitioner has remarried with Smt. Hardeep Kaur and he has a daughter from his second marriage.

Reliance has been placed upon the birth certificate of the daughter who born on 05.06.2013 from the relation of petitioner and Smt. Hardeep Kaur.

The respondent-wife has also placed on record the account statement (annexure R2/1) of Smt. Hardeep Kaur wherein she mentioned the name of her husband as Gursewak Singh. Further reliance has been

placed upon the sale deed dated 22.10.2014 vide which a plot has been purchased by the petitioner and Smt. Hardeep Kaur jointly asserting herself to be the wife of the petitioner.

Cruelty can either be mental or physical. It is difficult to straitjacket the term 'cruelty' by means of a definition, because cruelty is a relative term. Deserting the wife and arranging second marriage itself amount to mental cruelty.

It has been argued that on the application of wife, the defence authority has been providing maintenance to her as well as to her minor son. But to the mind of this court, this fact cannot be taken as a sympathetic one.

This court is of the view that in this case custodial interrogation of the petitioner is necessary.

As such, finding no ground to grant the concession of anticipatory bail, the instant petition stands dismissed.

10.01.2019
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No