

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM M-32133 of 2017

Date of Decision: 17 July, 2019

Amandeep Singh

.....Petitioner

Versus

State of Punjab and another

.... Respondents

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present : Mr. Priyanshu Lamba, Advocate  
as legal aid counsel for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Jagdeep Singh Bajwa, Advocate  
for the complainant.

**FATEH DEEP SINGH, J. (Oral)**

This order shall dispose off anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 0038 dated 25.05.2017 under Sections 406 and 498-A IPC, Police Station Balongi, SAS Nagar, Punjab.

The allegations against petitioner/husband Amandeep Singh have been levelled by the complainant-wife alleging that their marriage was solemnized on 15.07.2012 and that a two wheeler was given to the petitioner by the family on his demand besides other articles. However, the demands persisted leading to this matrimonial

dispute.

Counsel for the petitioner inter alia contends that contents of the FIR do not spell out any specific demand or handing over the articles of *Istridhan* and their embezzlement by the petitioner/husband.

Mr. Harbir Sandhu, AAG, Punjab assisted by ASI Jugraj Singh, Police Station Balongi, SAS Nagar and Mr. J.S. Bajwa, Advocate for the complainant does not displace the allegations but has stoutly opposed the grant of the bail on the grounds of seriousness of offence and that recovery of the two wheeler is to be made.

Going through the submissions, neither there is specific entrustment of any article of *Istridhan* to the petitioner much less its criminal breach. What would one can gather from these allegations is a dispute over the ownership of a two wheeler, which is subject to trial. Sending the petitioner behind the bars, especially, at this stage, when he had already remained on bail since 2017 would be travesty of justice.

In view of above discussion, together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. Therefore, in the event of arrest, the petitioner be released on anticipatory bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation

of challan.

Disposed off.

July 17, 2019  
amit rana

(FATEH DEEP SINGH)  
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No