

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-35949-2018

Date of Decision:28.08.2019

Gursharan Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Yogesh Goel, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. ADS Bal, Advocate (Legal Aid Counsel),
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.105 dated 13.07.2018 under Sections 323, 316, 498-A IPC, registered at Police Station Urban Estate, District Patiala.

Learned counsel for the petitioner has argued that marriage of respondent No.2-Mamta was solemnized with Nitin Kumar on 20.10.2007 and out of this wedlock, two children, namely, Vansh aged about 8 years and Ankit aged about 4 years were born to them. Respondent No.2 has taken divorce from her husband vide judgment and decree dated 26.7.2016 (Annexure P-1) passed by learned Additional District Judge, Chandigarh.

Thereafter, she has solemnized second marriage with the petitioner-

Gursharan Singh on 18.3.2018 through Shaddi.com in accordance with Sikh rites and ceremonies at Guru Ravi Dass Gurudwara in a simple manner. Before marriage, the petitioner was also divorcee and for this reason, the marriage was solemnized between the parties without there being any exchange of dowry.

Since respondent No.2 was disputing on petty matters and could not adjust with the petitioner in spite of best efforts made by the petitioner, it is on account of temperamental differences, the present FIR was registered. He further states that virtually it is a marriage of compatibility, but the marriage could not be adjusted and they hardly stayed for a period of four months as the marriage was solemnized on 18.3.2018 whereas the FIR was registered on 13.7.2018.

Learned counsel for the complainant, on instructions from his client who is present in the Court, has argued that the complainant was harassed by the petitioner on account of dowry demand. She was not treated well. The allegation of miscarriage has duly been substantiated by the medical record and, therefore, the petitioner does not deserve to be admitted on bail. He further states that the complainant is ready to settle the dispute permanently.

At this stage, learned State counsel, on instructions from the Investigating Officer, submits that the petitioner has joined the investigation and the recovery has already been effected from him.

Since the petitioner has joined the investigation and his custodial interrogation is no more required, present petition is allowed and the interim bail granted to the petitioner vide order dated 21.08.2018 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

August 28, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No