

CRM-M-17507-2019

Date of Decision : 29.10.2019

Jaswinder Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Ranjit Singh Sidhu, Advocate
for the petitioner.Ms. Sakshi Bakshi, Asstt.A.G., Punjab
for the respondent-State.Mr. Bhavyadeep Walia, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first anticipatory bail application filed by petitioner-Jaswinder Singh under Section 438 Cr.P.C in a case bearing FIR No.04 dated 07.01.2019 filed under Sections 498-A & 406 of the Indian Penal Code registered at Police Station Women, Patiala, District Patiala.

The allegations against the petitioner/husband-Jaswinder Singh in this bail application have been levelled by the

complainant/wife-Harjit Kaur. The complainant alleges that marriage between the couple was solemnized on 13.07.2016, where the family has spent considerable amount of money, however, her husband was a drug addict and often used to physically and mentally torture her. It is further alleged that even during the course of her pregnancy, the family of the in-laws did not bother to look after her and put her to heavy domestic chores, on account of this matrimonial disaccord, the present case got registered.

Learned counsel for the petitioner *inter alia* contends that bare perusal of the allegations of the FIR shows that neither there is any entrustment of dowry articles of *Istridhan* is made out much less any criminal breach of trust.

On instructions from ASI Balwinder Singh, Police Station Women, Patiala, the learned State counsel, assisted by Mr. Bhavyadeep Walia, Advocate for the complainant, though could not pinpoint to the specific query of the Court these allegations but have opposed the grant of bail on the ground that the complainant/wife has been put to cruelty by the irresponsible drug addict husband.

Going through the submissions and from the bare perusal of the FIR, a debatable issue arises over the applicability of Section 406 of the Indian Penal Code and thus, nothing is to be recovered from the petitioner. The allegations as well as the mental and physical cruelty, are the subject matter of adjudication at the time of trial and it would be travesty of justice in sending the petitioner

behind the bars.

In light of the above, the present petition is allowed. Petitioner-Jaswinder Singh would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations. On his doing so, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). He shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Disposed off.

29.10.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No