

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-46194-2017 (O&M)

Date of Decision:- 27.8.2019

Jatinder Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Davinder Lubana, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Agam Jund Mullanpur, Advocate,
for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

CRM-12414-2019

In view of the reasons mentioned in the application, the same is allowed and Annexures P-8, P-10 and P-11 are taken on record subject to all just exceptions.

CRM-M-46194-2017 (O&M)

1. By way of filing this petition, petitioner-Jatinder Singh seeks grant of anticipatory bail in respect of a case registered vide FIR No.76, dated

28.9.2017, registered at Police Station Mullanpur, District Mohali, under Sections 323, 406, 498-A IPC.

2. The FIR was lodged at the instance of Kuljit Kaur wherein it has been alleged that she had been married to the petitioner and that her parents had incurred an expenditure much more than their capacity at the time of marriage and had given 10 rings to her in-laws and had also given gold ornaments to the complainant. It is alleged that a gold chain and a gold ring was given to complainant's husband at the time of engagement and gold ear rings were given to complainant's mother-in-law. It is alleged that her husband and her in-laws however, started maltreating and harassing her in order to press upon their demand of more dowry and ultimately she was constrained to reside in her parental home being fed-up with the conduct of the accused. It is also alleged that the accused have also retained her *istridhan*.
3. During the pendency of this petition, the petitioner had joined investigation. The petitioner also returned some jewellery articles which the complainant disputed. At the last date of hearing i.e. on 2.4.2019 it had been submitted on behalf of the petitioner that when the articles were returned, the conversation had been recorded in a mobile phone and that he could supply a compact disk containing the said conversation.
4. Vide order dated 2.4.2019, the State was directed to verify as to whether the voice as recorded in the said CD was of the complainant

and the complainant was directed to appear before the learned Magistrate for giving her voice sample.

5. Learned State counsel has today filed a copy of report of CFSL, Chandigarh, pertaining to examination of the audio recording in the CD and as per the said report, the voice as recorded in the CD was found matching with the voice of the complainant.
6. Bearing in mind the nature of allegations and the fact that the petitioner has already joined investigation and is stated to have returned some articles of *istridhan*, in my opinion it is not a case warranting custodial interrogation. The petition, as such, is accepted and interim directions issued vide order dated 5.12.2017 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. The present petition stands accepted accordingly.

August 27, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No