

**207-2 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-51733-2018  
Date of Decision : 18.03.2019

Nagi @ Inderjit Singh Nagi .....Petitioner

versus

State of Punjab .....Respondent

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

**Present:** Mr. B.B.S. Randhawa, Advocate  
for the petitioner.

Mr. A.S. Sandhu, Addl.A.G., Punjab  
for the respondent-State.

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

Mr. Varinder Basa, Advocate puts in appearance on behalf of the complainant and filed memorandum of appearance which is taken on record.

The allegations against petitioner-Nagi @ Inderjit Singh Nagi in this first anticipatory bail application filed under Section 438 Cr.P.C in a case bearing FIR No.0205 dated 07.09.2018, under Sections 325, 323 and 34 (Sections 498-A and 406) of the Indian Penal Code registered at Police Station Civil Lines, District Batala, have been levelled by complainant-Sukhwinder Kaur, wife of principal accused/non-applicant-Harpreet Singh. In her complaint, she alleged that 1½ years prior to registration of the case,

on 07.09.2018, she underwent marriage with Harpreet Singh, where sufficient dowry articles were given. The petitioner happens to be one of the inhabitant in the dwelling unit in which the family of the principal accused is residing. It is alleged in the supplementary statement of the complainant that the petitioner had hit her with *thapi* (wooden block) and after hitting her, had participated in the occurrence and usurped articles of *Istridhan*. Further alleging that at the time of this marriage, a gold ring was given to him as a gift.

Learned counsel for the petitioner, at the very onset, submits that the petitioner happens to be a co-tenant in the premises and thus, being not relative of the principal accused, has no role to play in usurping the *Istridhan* of the complainant and that recovery of *thapi* has already been effected from the petitioner.

The learned State counsel, on instructions from ASI Gurmit Singh, Police Station Civil Lines Batala, submits that earlier, the petitioner was joined the investigation leading to recovery of the *thapi* but has opposed the grant of relief, on the ground of recovery of one gold ring as an offence under Section 406 of the Indian Penal Code has been subsequently added on the supplementary statement of the complainant.

Appreciating the submissions, its the own stand of the State that the petitioner has earlier joined the investigation, thus, cause of custody for recovery again does not crystallizes. It is further, the admitted stand of the State that the petitioner happens to be the co-tenant of the principal accused and thus, a debatable issue arises over the very entrustment of

articles of *Istridhan* and its criminal breach of trust, therefore, custodial interrogation of the petitioner would not suffice any purpose.

In the event of arrest, 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). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

**18.03.2019**

*Neha*

**(FATEH DEEP SINGH)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No