

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-54202 of 2018 (O&M)
Date of decision : January 21, 2019

Dalwinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms Sukhpreet Kaur, Advocate, for the petitioner

Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State with

ASI Sukhdev Singh, PS Women Cell, Ludhiana

Fateh Deep Singh, J. (Oral)

This order shall dispose of first anticipatory bail of petitioner accused Dalwinder Singh filed in case FIR No. 104 dated 2.11.2018, under Sections 494, 406, 498-A IPC, Police Station Women Cell, Ludhiana.

The facts brought to the notice of the Court are that the present case was got registered by Preeti complainant who admittedly was earlier married and thus it was her second marriage with the petitioner and the latter had put an end to his earlier two marriages and this was his third marriage with the complainant. On account of matrimonial dispute between

the parties leading to filing of cases against each other and the present case is an off-shoot of one of those proceedings.

Ms. Sukhpreet Kaur, learned counsel for the petitioner submits that there is no proof collected during the investigations that the petitioner was earlier married thrice nor any case of demand of dowry is made out and that nothing is to be recovered for the remaining offence under Section 498-A IPC.

Learned State counsel on instructions from ASI Sukhdev Singh, PS Women Cell, Ludhiana has fairly conceded at the bar that till date nothing cogent has come by way of documentary proof to show the earlier marriage of the petitioner or his deception in undergoing the present marriage but has strongly opposed the grant of bail.

Appreciating the submissions in the light of the factual scenario brought to the notice of the Court and since nothing is to be recovered at this juncture, it would be traversity of justice to send the petitioner behind the bars. It is at the trial due justice would be done to the parties.

In view of the aforesaid, the present petition is allowed. 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.

The present petition stands disposed of.

January 21, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No