

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.26776 of 2019

Date of decision: 9th December, 2019

Upkar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amaninder S. Sekhon, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab
for the respondent/State.

Mr. Bipan Sharma, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Upkar Singh in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.81 dated 31.12.2018 under Section 498-A IPC pertaining to Police Station Naya Gaon, District SAS Nagar, have been levelled by the complainant, who claims to be wife of the petitioner. It is alleged that the complainant entered into a relationship with the petitioner Upkar Singh and subsequently both of them entered into wedlock in spite of the fact that they belong to different castes. The complainant claims that during the course of their matrimony, the couple started fighting with each other over small issues and it is claim of the complainant wife that on few

occasions the wife was assaulted by the husband and threatened with dire consequences, leading to registration of the present case.

Learned counsel for the petitioner Mr. Amaninder Singh Sekhon, Advocate inter alia submits that only offence under Section 498-A IPC is made out against the petitioner and thus, nothing is to be recovered from him and his joining the investigations would suffice the purpose.

Learned State counsel, Ms. Sakshi Bakshi, Assistant Advocate General, Punjab on instructions from ASI Jasbir Singh along with learned counsel for the complainant Mr. Bipan Sharma, Advocate though do not differ over the facts but strong resistance has been sought to be made in allowing the relief.

Appreciating the submissions of the two sides, it is a pure simplicitor allegation of cruelty by the petitioner husband to the complainant wife and thus, nothing is to be recovered from the petitioner and it would be travesty of justice to send him behind bars. In view thereof, in the event of arrest the petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall 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 petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 9, 2019

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No