

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

CRM M-28080 of 2019

Date of Decision: August 26, 2019

Rahul DadaPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 38 dated 11.06.2019 under Sections 406, 498-A and 120-B IPC registered at Police Station Women, District Police Commissionerate, Jalandhar.

The allegations against petitioner-Rahul Dada have been levelled by estranged wife/complainant Neha Dada alleging that the marriage between the couple was solemnized on 29.01.2006 and they were blessed with two kids, who are minor and that sufficient dowry articles were given by the parents of the wife to the husband and the in-laws, however, subsequently on account of physical and mental cruelty heaped upon the wife by the husband and her in-laws, the complainant/wife was thrashed for bringing insufficient dowry leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that the petitioner and the complainant have been residing together for almost 13 years and due some misunderstanding, the present case has been registered and has sought to challenge the applicability of offence Under Section 406 IPC.

Mr. Harbir Sandhu, AAG, Punjab assisted by SI Palwinder Singh though does not dispute the facts brought to the notice of the Court by the learned counsel for the petitioner but opposed the grant of the bail on the ground that custodial interrogation of the petitioner is essential.

Going through the submissions, admittedly, it is after 13 years of successful married life, the parties have fallen apart leading to the registration of the present case and, thus, the very applicability of offences under Sections 406 and 498-A IPC is a debatable issue, which could only be adjudicated at the time of the trial.

In the light of the above and the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. Therefore, in the event of arrest, the petitioner be released on *interim* bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation

as and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed off.

August 26, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No