

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-37628 of 2019 (O&M)
Date of decision : October 17, 2019

Jagbir Singh

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vishva Bahl, Advocate, for the petitioner

Mr. Pawan Sharda, Sr. DAG, Punjab/respondent with
ASI Avtar Singh, PS Women, Amritsar

Mr. GS Chahal, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner husband Jagbir Singh has sought anticipatory bail in case FIR No. 25 dated 3.8.2019 under Sections 323, 406, 498-A, 509 IPC, Police Station Women Cell, Amritsar got registered by respondent no. 2-wife.

The precise allegations are that the marriage between the petitioner and the complainant took place on 12.8.2013 and no

child was born to the couple. On account of matrimonial dispute the wife moved a complaint to the police on 27.4.2019. In the complaint, the complainant alleged that her parents and brother had expired and her Bhabhi had solemnized her marriage with the petitioner wherein gold articles and costly items including house hold goods were given. However, the accused and his family were not happy with the same. It is alleged that the petitioner happens to be drug addict and under physical abuse, coercion and pressure, the husband along with his family managed to secure a loan of Rs 6,40,000/- on the basis of government service of the complainant and forcibly made her withdraw Rs 3,20,000/- out of her GPF fund. It is alleged that the accused have been physically abusing her as well as mentally torturing and had thrown her out of the matrimonial home and usurped her articles of Ishtnidhan.

Mr. Vishva Bahl, counsel for the petitioner has contended that the present FIR is a counter-blast to the petition moved by the husband under Section 13 of the Hindu Marriage Act and that there is no specific allegations against the petitioner in the commission of the offence and his co-accused non-applicant father has been allowed the relief by this Court.

Mr. Pawan Sharda, Sr. DAG, Punjab assisted by ASI Avtar Singh, PS Women, Amritsar and Mr. GS Chahal, counsel for the complainant though do not displace the facts but has opposed the grant of the relief on the grounds that the entire articles of Ishtridhan, the record of the loan etc. are to be recovered and so the money for which the custodial interrogation is very much essential.

Going through the submissions, the prima facie allegations levelled against the petitioner-husband for physically tormenting the wife and her mental abuse are well elicited in the records of the investigations. Counsel for the petitioner could not controvert the averments as to how the accused had under coercion and force forced this desolate lady to shell out money which she has painstakingly managed to accumulate from her earnings. The mere fact that the husband has filed a divorce petition four days prior to this complaint is not of much relevance in the light of physical injuries received by the wife and the fact that the articles of Ishtridhan are to be recovered. It is a case where custodial interrogation of the petitioner is necessitated and thus, the present petition stands dismissed.

The observations made herein above shall have no

bearing on the merits of the case as these are purely for the disposal of the present bail application.

October 17, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No