

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

**CRM-M No.42943 of 2019
Date of decision : October 31, 2019**

Harpreet Singh **Petitioner**

Versus

State of Punjab and another **Respondents**

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rasinder Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL J. (ORAL)

1. Petitioner-Harpreet Singh seeks grant of anticipatory bail in a case registered vide FIR No.0111, dated 13.08.2019, registered at Police Station Women, District Police Commissionerate Ludhiana, under Sections 498-A and 406 IPC.
2. The FIR was lodged at the instance of Kulwinder Kaur, wherein it has been alleged that her marriage was solemnized with the petitioner on 03.12.2017 and that it was her second marriage and she was having a daughter from her earlier marriage, who was also residing with her. It is also stated therein that in fact it was also the second marriage of her husband i.e. the petitioner, who was also having a daughter from his previous marriage. It is alleged that although a large number of articles had been given at the time of marriage and huge amount was spent on the preparation of marriage, but despite the same, the petitioner and other members of his family were not happy with the same and started demanding more dowry and started taunting and harassing her for having brought less dowry. It is alleged that on the day of Baisakhi in the year 2018, all the accused pressurized her to bring an amount of Rs.5 lacs from her parents

and when the complainant expressed her inability to accede to the said demand, all the accused gave beatings to her and threw her out of her matrimonial home. It is alleged that although several panchayats were convened but to no avail. It is also alleged that in November 2018, she had conceived but the accused forcibly got the pregnancy terminated.

3. The learned counsel for the petitioner has submitted that the FIR has been lodged by levelling false allegations mainly on account of the fact that there was incompatibility between the complainant and the petitioner. It has further been submitted that since it is a case of second marriage of both the parties, no articles of dowry had been given except for the traditional gifts which are usually exchanged at the time of such functions. It has further been submitted that since the petitioner, in any case, has joined investigation, he may be granted concession of anticipatory bail.
4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that during the course of investigation, the police has collected various bills regarding purchase of valuable articles including jewellery, by the complainant and her family, which had been given at the time of marriage and since there are specific and categoric allegations against the petitioner, who is the complainant's husband, no case for grant of bail is made out. It has, however, been informed that the petitioner has since joined investigation.
5. Having regard to the facts and circumstances of the case and while noticing that the apparently it is a case of matrimonial discord and also that the petitioner has since joined investigation, custodial interrogation is not warranted. The

petition, as such, is accepted and the interim directions issued by this Court vide order dated 7.10.2018 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

October 31, 2019

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No