

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12227-2020 (O&M)
Date of Decision:-27.5.2020

Yadwinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab.

Mr. Preetinder Singh Ahluwalia, Advocate,
for respondent No.2-complainant.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

CRM-10483-2020

Application is allowed as prayed for subject to all just exceptions.

CRM-11180-2020

In view of the reasons mentioned in the application, the same is allowed and the applicant namely Navreet Dhaliwal is ordered to be impleaded as respondent No.2/complainant.

CRM-11186-2020

In view of the reasons mentioned in the application, the same is allowed and reply by way of affidavit of Navreet Dhaliwal-Respondent No.2/Complainant is taken on record.

CRM-M-12227-2020

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.6 dated 10.7.2016 at Police Station Women, SAS Nagar, Punjab under Sections 307, 406, 498-A, 420, 379, 506 and 120-B of Indian Penal Code.
2. The FIR in question was lodged at the instance of Ms. Navreet Kaur, wherein it has been alleged her marriage was solemnized with petitioner Yadwinder Singh on 24.2.2013 and that gold jewellery weighing about 80 tolas apart from furniture and house hold articles were given at the time of marriage. The jewellery and other articles were entrusted individually to the accused namely Yadwinder Singh (husband), Charanjit Kaur (mother-in-law), Atma Singh (father-in-law) and Rajwinder Singh (brother-in-law). It is further stated that additionally six gold rings were given to other relatives of the accused. It is alleged that shortly after the marriage, the accused started taunting her for having brought insufficient dowry and used to pressurize her to bring more dowry. In the FIR as many as 10 instances between March, 2013 to January, 2016 have been mentioned during which amounts bearing from ₹25000- ₹1,00,000/- were given to the accused including amounts given by way of bank transaction. The complainant alleged that the petitioner as well as his parents demanded another amount of ₹20 lakhs and a luxury car to get her happily settled in her matrimonial home. The

complainant has stated that on account of the ill-treatment and harassment she was not even invited on the occasion of engagement of her brother-in-law Rajwinder Singh. The complainant has alleged that on 26.1.2016 and 31.1.2016 when she asked for her jewellery from her in-laws as she was to attend a wedding of her cousin, her in-laws refused to hand over the same. The complainant has alleged that her mother-in-law used to instigate the petitioner to get rid of the complainant as she could not even deliver a child and even used to give beatings to her.

3. It is further alleged that on 8.3.2016 her mother-in-law picked up a fight and started cursing her and to which even the complainant replied back and during the said period the petitioner made a video recording when the complainant was retaliating in aggression but did not record the part when her mother-in-law was aggressive and assaulting the complainant. It is alleged that her mother-in-law instigated the petitioner to eliminate the complainant and attempted to strangulate her with her '*dupatta*' and due to which she sustained multiple injuries but was luckily saved when her grand father-in-law came there, who had returned after a walk and knocked at the door and on account of which the accused got scared. Taking advantage of the said situation, the complainant managed to escape and firstly went to Fortis Hospital from where she was asked to go to Government Hospital where she got herself medically examined i.e. at Government Hospital, Phase-VI, Mohali.
4. The learned counsel for the petitioner has submitted that it is a case where the complainant herself could not adjust in her matrimonial home and there was some minor matrimonial discord and that a false version has been put forth in the FIR. The learned counsel has further submitted that in fact the

falsity of the FIR would be evident from the fact that while the occurrence of alleged strangulation is stated to have taken place on 8.3.2016, the FIR in question was lodged about four months i.e. in July, 2016.

5. The learned Senior counsel has further submitted that infact even after the alleged FIR, the parties had been residing cordially and had been attending functions together as would be evident from the photographs annexed with the petition as Annexure P-7. It has further been submitted that, in any case, it is now four years after the FIR was lodged and at this Stage, the detention of the petitioner would not serve any useful purpose and, as such, the petitioner, who is a Government employee, deserves the concession of bail especially when there is no apprehension of his fleeing from justice.
6. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that apart from the fact that the petitioner and other members of his family had been harassing the complainant for bringing more dowry, it is the case where an attempt to murder the complainant was made as would be evident from the MLR (Ex.P-2), which clearly shows that an attempt of strangulation had infact been made on 8.3.2016. It has been submitted that despite the said attempt to murder the complainant, she and her family tried to maintain the sacred relationship of marriage and on account of which she did not get the FIR immediately lodged as has been stated specifically in the FIR itself and had also tried to continue with the relationship and did not take any action against the accused immediately after the occurrence. It has been submitted that the petitioner, however, did not wish to rehabilitate the complainant and was found to have stayed at Hotel Radisson, New Delhi on 14.2.2020 with another lady namely Anupreet Kaur as would be evident from the entry

register and statement of the manager of the hotel. The aforesaid position has been mentioned in Para No.-5 of the reply filed by way of affidavit of Sh. Ashwini Gotyal, IPS, Assistant Superintendent of Police, City-I, District SAS Nagar, which is taken on record. A prayer has thus been made for dismissal of the petition.

7. I have considered rival submissions addressed before this Court.
8. A perusal of the FIR would show that the allegations of demand of dowry and harassment have been made therein. Infact apart from the gold jewellery and other articles which are alleged to have been given at the time of marriage, there are specific instances of payment various amounts between the year 2013-2016 including cheque transaction. Even if the aforesaid allegations are ignored, the disturbing and serious allegations are regarding the attempt to strangle the complainant on 8.3.2016 which *prima facie* finds substantiated from the MLR conducted in Government hospital on 8.3.2016, which indicates that the complainant was found to have sustained as many as seven injuries including multiple abrasions on the right side and front side of the neck of the complainant, which could possibly have been inflicted when an attempt was made to strangle her with her '*chunni*'.
9. During the course of arguments, the learned counsel for the complainant also referred to photograph Annexure C/1 and C/2, which purport to have been taken on 2.2.2016 and 8.3.2016, wherein the complainant is shown to have sustained some injuries. The learned counsel for the complainant also referred to 'Whatsapp' message stated to have been sent by the petitioner on 16.2.2020 i.e. after the alleged incident of the petitioner having been found

to have stayed at Hotel Radisson, New Delhi with a lady. The said message reads as follows.

“ Good Morning

In continuous to yesterday's message Navreet is unable to control herself and indulge herself in any activity after her multiple surgeries and removal of uterus.. she is very much interestetd in my girlfriends.. one foolish police officer is providing her my phone location what rubbishd XXX.. I have never asked anything about her boy friends Harry Bajwa, Binny johal, Ginni Samrala or jainam BTd as I am not in her contact from long time.. moreover her family is not guiding her to spend a happy live... after that fir and 80 tolas dowry Blame I am not interested at all. I am living my live... if you love her help her to spend a happy life and please do guide her . this will actually help her.. I shall be really thank ful..”

10. The aforesaid message would tend to reflect on the conduct of the petitioner but this Court, at this stage, is unable to comment upon the authenticity of the aforesaid message. The contention of the petitioner that there has been delay in lodging the FIR or that no action had been taken on the FIR during the last 4 years cannot work to any advantage of the petitioner inasmuch as it is well known that in our society an attempt is made till the last moment to save a matrimonial home and the girl or her parents are always reluctant to approach the Court immediately or to take action against the husband or other members of his family in a hope to save the marriage. The fact that there is an MLR of the date when the incident took place i.e. on 8.3.2016 itself would remove all kind of suspicions and the delay, if any, in lodging the FIR would take a back seat.
11. In view of the discussion made above particularly the fact that the petitioner despite being a member of a disciplined force himself chose to indulge in violance and made an attempt to strangle the complainant does not leave

any room for grant of concession of anticipatory bail. The petition is sans merit and is hereby dismissed.

27.5.2020
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No