

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

103

**CRM-M-23329-2020
Decided on : 31.08.2020**

Jagtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Rajesh Gupta, Advocate for the petitioner (s).

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. L.M. Gulati, Advocate
for the complainant.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 438 Cr.P.C., the petitioner seeks grant of anticipatory bail in FIR No.54 dated 25.07.2020 under Sections 406, 420, 34 IPC registered at Police Station Hathur, Ludhiana.

The allegations in the FIR lodged by Kuldeep Singh was that the petitioner's daughter had got married to his son Sandeep Singh. The expenses for sending the girl to Canada and for her education were to be borne by the complainant party. Resultantly, a sum of Rs.13,89,000/- was deposited in the accounts of the petitioner, apart from giving other ornaments and cash for going abroad and for purchase of clothes etc. to the girl's side.

The marriage was performed on 15.08.2018 and there was an

agreement dated 21.08.2018 regarding the commitment. The girl had gone to Canada and initially she had sponsored the case of the son of the complainant and the same had been declined on account of the fact that complete papers had not been attached. Thereafter, she was not getting in touch with the complainant party and when they got in touch with the petitioner he told that she wanted to divorce the complainant's son.

As per the compromise dated 11.09.2019, the petitioner's family had agreed to pay Rs.16 lakhs. Several meetings as such were held, but the said amount was not deposited. It was agreed that the girl shall again put up the case of the complainant son, which was not done and neither any amount was refunded. On such account the FIR was lodged, as the girl had gone abroad at the cost of the complainant side and had not sponsored the case of her husband.

The Additional Sessions Judge, Ludhiana had dismissed the bail application on 11.08.2020 (Annexure P-3) on account of the fact that the family of the girl had cheated the complainant by alluring him to send his son abroad after marriage.

Opportunities as such were also given to the petitioner to deposit the money or to work out any settlement. The Coordinate Bench on 24.08.2020 had also recorded that a sum of Rs.3.5 lakhs has to be deposited for getting interim protection.

Today, Mr. Gupta, submits that he needs two months more to deposit the said amount.

As noticed, the complainant side as such have been harassed

for the last 2 years as the marriage was solemnized on 15.08.2018. Thereafter, several compromises were sought to be effected, as noticed above. But neither the complainant side had been compensated nor the son of the complainant had been sent abroad, as per terms of the compromise. The amount of Rs.3.5 lakhs as directed has also not been deposited, which is a nominal amount in comparison of what has been received. It would only show the intention of the petitioner in delaying the proceedings. It is settled principle that the anticipatory bail is to be granted in exceptional cases and not where persons apparently on the face of the record have cheated persons and deprived the complainant party by alluring them to send their son abroad after marriage of their hard earned money.

In such circumstances, no case for anticipatory bail is made out and the petition stands dismissed accordingly.

AUGUST 31, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No