

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

**CRM-M-26855-2020
Date of decision: 09.09.2020**

Gurveer Singh @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Judgepreet Singh Warring, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 174 dated 15.08.2020, registered under Sections 365, 506, 34 of the IPC at Police Station Canla Colony, Bathinda, District Bathinda.

Learned counsel for the petitioner submits that as per the allegations in the FIR, there was a matrimonial dispute between complainant Kulwinder Kaur and her husband co-accused Daljit Singh. The FIR has been registered with the allegations that the petitioner and one Veeru along with Daljit Singh @ Lalli had gone to the house of complainant and had forcibly taken the minor son of complainant and Daljit Singh, namely Tejinder Singh from the custody of complainant.

Learned counsel for the petitioner further submits that later on co-accused Daljit was arrested and the custody of the child was procured from Daljit Singh. It is further stated that petitioner is in distant relation with Daljit Singh and he has falsely been implicated in this case only on the pretext that he was helping Daljit Singh.

Learned counsel for the petitioner further submits that it is own case of the complainant that she was residing at her parental home after leaving matrimonial home and, therefore, the primary dispute regarding custody of the child between husband and wife is preliminary a civil dispute as the custody of the minor son with Daljit Singh, who is his father, cannot be said to be illegal.

Learned counsel for the petitioner further submits that co-accused Daljit Singh has now been granted concession of regular bail by the trial Court and the petitioner is ready to join investigation.

Learned State counsel has not disputed the factual position but opposed the prayer for bail.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the facts and circumstances of the case as well as the fact that primary dispute of custody of child is to be decided by a civil Court and the child has already been recovered from the custody of his father and has been restored to his mother/complainant, the present petition is allowed. The petitioner is granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if required, by issuing a written notice in this regard.

09.09.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*