

In virtual Court

CRM-M-27433-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27433-2020 (O&M)
Date of decision: 11.09.2020

Veeru Singh @ Veeru

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.174 dated 15.08.2020 under Sections 365, 506, 34 IPC, registered at Police Station Canal Colony, Bathinda, District Bathinda

Learned counsel for the petitioner submits that in CRM-M-26855-2020 filed by co-accused Gurveer Singh @ Gora, anticipatory bail has been granted vide order dated 09.09.2020. The operative part of the order reads as under: -

“...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...”

Learned counsel for the petitioner further submits that husband of

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the victim has already been granted the concession of regular bail by the trial Court/Illaq Magistrate on 07.09.2020 and allegations against the petitioner are similar in nature.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State and has not disputed the factual position, but has opposed the prayer for bail on the ground that allegations against the petitioner are serious in nature.

After hearing learned counsel for the parties and considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is granted 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 notice in writing in this regard.

[ARVIND SINGH SANGWAN]
JUDGE

11.09.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No