

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

CRM-M-30352-2020(O&M)

Date of decision: 30.10.2020

Sarbjit Singh Minhas

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.H.S.Minhas, Advocate for the petitioner

Ms. Samina Dhir, DAG, Punjab

Mr. B.S.Sohal, Advocate for the complainant

ANIL KSHETARPAL, J. (ORAL)

On 30.9.2020, the following order was passed by this

Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.158 dated 05.07.2020 registered under Section 498-A of the Indian Penal Code, 1860 at Police Post Sunny Enclave Kharar under Police Station City Kharar, District SAS Nagar, Mohali.

The FIR has been registered by the wife of the petitioner. In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, SAS Nagar, Mohali in para 4 of its order dated 15.09.2020, which is extracted as under:-

“4. FIR in this case was got registered by complainant Renu Jaiswal d/o Iqbal Singh on the allegations that her marriage was solemnized on 30.3.2010 with applicant-accused Sarabjit Singh Minhas according to Sikh Rites and ceremonies. It is averred that her parents have spent on the marriage beyond their capacity by giving sufficient dowry articles. It has been averred

that her in laws including her husband physically and mentally harassed her and abused her on the illegal demand of dowry. She has raised allegations that her husband and in laws family insisted that the gold jewelery should be of 24 karat gold and made demand of various expensive items in marriage. From the said wedlock she gave birth to a female child on 28.04.2019. With the birth of the girl child her husband and in laws were not happy and her husband started behaving rudely and slapped her in April 2017, at the time of engagement of his niece in front of all the relatives. She has raised regarding harassment, maltreatment, torture, beatings using of furious and foul language on the demand of more dowry. Upon these allegations, the present FIR has been lodged.”

Learned counsel for the petitioner submits that since the first informant is earning more than the petitioner, therefore, there is a marital discord. He further submits that there are general allegations against the petitioner, however, there is no medico legal report. He further contends that the marriage between the petitioner and the first informant took place in the year 2010 whereas FIR has been registered in 2020.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 30.10.2020.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Ms. Samina Dhir, on instructions from HC Jaswinder Singh has submitted that the petitioner has joined the investigation and has handed over the Ishtridhan except jewellery worth Rs.3,84,000/-.

On the other hand, learned counsel for the petitioner-

husband submits that the aforesaid items are already with the first informant.

Keeping in view the aforesaid facts of the case, this Court is of the considered view that the order dated 30.9.2020, is required to be made absolute.

Ordered, accordingly.

30.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No