

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 31044 of 2020

Date of Decision: 27.10. 2020

Sukhwant Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner(s).

Ms. Samina Dhir, Deputy Advocate
General, Punjab for respondent No.1.

Mr. Maninder Singh Bajwa, Advocate
for respondent No.2.

Anil Kshetarpal, J.

On 05.10.2020, the following order has been passed by this

Court:-

*“The petitioner prays for grant of pre-arrest bail
in a criminal case arising from FIR No.167, dated 04.07.2020,
under Sections 406, 498A, 506 of the Indian Penal Code, 1860,
(Section 313 IPC 1860 added later) registered at Police Station
Sadar Patti, District Tarn Taran.*

*In a nutshell, the case of the prosecution has been
noticed by the learned Additional Sessions Judge, Tarn Taran,
in para 3 of its order dated 21.09.2020, which is extracted as
under:-*

“As per version of the complainant, she was married to accused Pawanpreet Singh on 9.2.2014 and at the time of marriage, her parents spent huge amount of Rs.3000000/- and various dowry articles were entrusted to the accused/applicants besides a new Ford Figo Car No.PB6-Q-5622, refrigerator, LED, Air Conditioner, Microwave etc. etc. but the accused did not feel satisfied and started harassing and treating her with cruelty with a demand for new Fortuner vehicle and turned her out of the matrimonial home when she was on her family way and as a result of the beatings by the accused persons, the accused-applicants caused death of the child in her womb as was revealed to the complainant on the basis of her ultrasound examination conducted on 20.4.2019. Thus, keeping in view the seriousness of allegations against the accused-applicants that they not only treated the complainant with cruelty with demand for a fortuner vehicle, but also caused death of her child in the womb, I do not find them entitled to the concession of anticipatory bail.”

Learned counsel for the petitioner contends that

after lodging of the complaint, the parties had entered into a

settlement and consequently the petitioner transferred land measuring 12 kanals, in name of the first informant's son (the grandson of the petitioner). He further submits that another amount of Rs.3,00,000/-, has also been paid and the first informant has also sworn an affidavit (Annexure P-3), to that effect.

Learned counsel for the petitioner also contends that the allegations regarding involvement of the petitioner are vague and the petitioner is not even alleged to have given beating to the first informant.

Notice of motion.

Ms. Samina Dhir, DAG, Punjab, accepts notice on behalf of the State of Punjab and seeks time to get instructions.

Adjourned to 27.10.2020.

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, Deputy Advocate General, Punjab, on the instructions from Sub Inspector Nirmal Singh, has submitted that the petitioner has joined investigation, co-operated and not required for further custodial interrogation.

In view of the aforesaid facts, the present petition is allowed and interim pre-arrest bail granted to the petitioner by this Court on 05.10.2020 is made absolute.

(Anil Kshetarpal)
Judge

October 27, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No