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

CRM-M No. 36881 of 2020
Date of Decision: 21.12.2020

Samunder

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sube Singh Kaushik, Advocate,
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

Mr. Ajay Kirpal, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through
video conferencing.

Petitioner seeks grant of anticipatory bail under
Section 438 Cr.P.C. in case bearing FIR No.381 dated
23.09.2020 under Sections 323, 34, 406, 498-A, 506 IPC
registered at Police Station Civil Line Jind.

On 10.11.2020, following order was passed:-

*“All cases listed today have been taken up
for hearing by way of video conferencing
because of the situation existing due to the*

COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'anticipatory bail', upon FIR no.381, dated 23.09.2020, having been registered at Police Station Civil Line Jind, District Jind, alleging therein the commission of offences punishable under Sections 323, 406, 498-A and 506 of the IPC read with Section 34 thereof.

Learned counsel for the petitioner submits that the allegations against the petitioner are wholly false, who is actually an army official (Lance Naik) posted on the border, and in any case therefore he could not be harassing his wife for dowry. A perusal of the FIR however shows that in fact even a Panchayati compromise is stated to have been reached at an earlier stage, in terms of which the complainants' father paid Rs.50,000/- to the petitioner or his family.

Notice of motion.

Mr. B. S. Virk, learned DAG, Haryana, accepts notice at the asking of the court.

The Superintendent of Police, Jind, is directed to go into the matter personally and to file at least a short affidavit in the matter, giving therein the evidence gathered by the investigating agency with regard to any Panchayati compromise having taken place, and any other evidence with regard to dowry having been paid at any stage (either by way of any compromise or otherwise). Of course, the other allegation of the complainant against the petitioner is that he was in fact ignoring her and was even found to be living with another girl in the Army quarters provided to him by the Army, with him having got that quarter allotted on the pretext that his wife would be living with him. Whether or not that constitutes any criminal offence, would naturally be stated by the State, because prima facie at least, that per se would not seem to be constituting any criminal offence, though it may be subject matter of any disciplinary proceedings against the petitioner, which would be upto the Army authorities to institute if considered appropriate them, as per

law.

Adjourned to 17.11.2020.”

Thereafter, vide order dated 17.11.2020, direction was issued to the petitioner to join the investigation and he was to be released on interim bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Arresting Officer/Duty Magistrate, till the next date of hearing.

In view of order dated 10.11.2020, Superintendent of Police, Jind was directed to go into the matter personally with regard to any Panchayati compromise having taken place in respect of payment of Rs.50,000/- to the petitioner or his family members.

In compliance of the aforesaid direction, short affidavit has been filed by Om Parkash Narwal, IPS, Deputy Inspector General of Police-cum-Superintendent of Police, Jind to the effect that on verification of facts and investigation of the case, it has been found that no evidence has come on file except the statement of complainant's father to substantiate the factum of Panchayati compromise, in which, complainant's father allegedly paid an amount of Rs.50,000/- to the petitioner or his family. Father of the complainant could not produce any evidence to show the aforesaid payment in lieu of dowry to the accused or his family. Payment of the aforesaid amount of

Rs.50,000/- in terms of Panchayati settlement could not be proved, rather the same is found to be false assertion.

Petitioner has joined the investigation and dowry articles have been recovered.

This fact has been admitted by learned State counsel on instructions from HC Pinky.

In view of above, order dated 17.11.2020 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer.

21.12.2020

Jyoti Sharma

(RAJ MOHAN SINGH)

JUDGE

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|----|---------------------------|---|--------|
| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |