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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.39386 of 2020 (O&M)
Decided on: 03.12.2020

Pardeep Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Ishma Randhawa, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.34 dated 11.08.2020, for offence punishable under Sections 406 and 498-A of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Women Cell, District Amritsar.

Counsel for the petitioner has argued that the marriage of the petitioner was solemnized with the complainant on 24.04.2018 and the petitioner is well-educated person and working in a private limited company. It is further submitted that as per the allegations in the FIR, apart from the allegation of demand of dowry, one of the allegation against the petitioner is that his mother and brother have misappropriated the dowry articles and had given beatings to the complainant, who was carrying a child in the womb and on that

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account, she suffered a miscarriage.

Counsel for the petitioner has further argued that earlier the petitioner has filed an anticipatory bail before this Court vide CRM-M No.29427 of 2020, however, the same was dismissed on 05.10.2020.

Counsel for the petitioner has also submitted that the petitioner, thereafter, had surrendered before the trial Court on 12.10.2020 and is no more required for further investigation.

Counsel for the petitioner has further submitted that the mother of the petitioner has already been granted the concession of interim anticipatory bail on a condition that she will deposit Rs.05 lacs before the Illaqa Magistrate, which will be kept in an FDRs subject to final outcome of the case. It is also submitted that the said amount has already been deposited with the Illaqa Magistrate and therefore, it will be a matter of trial whether the allegations levelled against the petitioner are sustainable or not.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is also submitted that after the arrest of the petitioner, the opinion of the Civil Surgeon, Amritsar, was taken on 28.11.2020 in which he has opined that there is no evidence regarding any injury in the abdomen of the complainant and there is no treatment record in this regard.

Counsel for the complainant, on the other hand, has also opposed the prayer for bail on the ground that the petitioner may misuse the concession of bail, if he is released on bail and may also extend threats to the prosecution witnesses.

Counsel for the complainant has further submitted that the

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complainant has a right to challenge the opinion of the Civil Surgeon, Amritsar, while leading her evidence.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is the husband of the complainant; the petitioner is not involved in any other case of similar nature; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the complainant or the prosecution to apply for cancellation of bail of the petitioner, in case at a later stage, he is found involved in any other case of similar nature or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.12.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No