

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23833 of 2021

Date of Decision: 23.06.2021.

Jatinderpal Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B. S. Jaswal, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.
Mr. P. S. Hundal, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 32 dated 13.4.2021, under Sections 498-A, 494 and 120-B IPC, registered at Police Station Mehta, District Amritsar Rural.

The FIR is at the instance of the wife of the petitioner. The marriage of the complainant and the petitioner was solemnised on 25.1.2012. There are two children from the wedlock. As per allegations in the FIR, the relationship went into troubled water as there were demands of dowry for which the complainant was harassed and even physically hurt. It is further stated that the petitioner never looked after the two sons. There are allegations with regard to the character of the petitioner. There was an apprehension that the petitioner had solemnised second marriage.

Learned counsel for the petitioner submits that the petitioner is entitled to bail as it is a matrimonial dispute and if the petitioner is not granted anticipatory bail, the dispute will never be resolved. It is further argued that on 13.8.2020, the petitioner out of love and affection purchased

a car in the name of the complainant which shows that there were no differences at that time. Reliance is placed upon the order wherein the parents of the petitioner have been granted bail. It is contended that the complainant is living in the house of the father of the petitioner but levelling allegations.

Learned counsel for the State vehemently opposes the prayer for anticipatory bail. She submits that there is enough evidence to establish that the petitioner has solemnised second marriage. Statement of Granthi of the Gurudawara was recorded. The second marriage was solemnised on 12.11.2020 with one Rajwant Kaur. It is further argued that the petitioner is a financier, he was well conversed with the intricacies of taking loan and purchasing the vehicle. It was only as a commercial prudence that the car was purchased in the name of the complainant.

Mr. P. S. Hundal, Advocate appears for the complainant though the complainant is not impleaded as a party. It is submitted that the demand of dowry was from the initial days and with the passage of time the pressure for more dowry increased. The petitioner had inflicted injuries to the complainant and it was due to her inability to move out that medical could not be conducted. Further submission is that the car was purchased by availing loan facility. There is default in payments of installments and the financial institutions are after the complainant for recovery.

Dispute being matrimonial in itself is not enough to grant anticipatory bail. The allegations in the FIR against the petitioner are specific and serious. The contention that sending petitioner behind the bar will ensure that the dispute will never be resolved, says enough in itself.

There is another aspect of the matter, as per the material collected during the police enquiry, the petitioner has already solemnised the second marriage. The factum of second marriage though being disputed at present itself is enough to establish that custodial interrogation is required in the present case.

Reliance on the order whereby the parents of the petitioner have been granted bail does not enhance the case of the petitioner. There is no parity of allegations levelled against the petitioner and the parents.

Solemnizing of second marriage without the first marriage having been annulled, is a factor to be considered. There are allegations of physical assault. The purchase of car in the name of the complainant at this stage cannot be said to be a gift derived by love and affection.

Considering the facts in totality, no case is made out for anticipatory bail.

The petition is dismissed.

However, nothing stated above shall be taken as an expression of opinion on the merits of the case. These are only meant for the purpose of disposal of the present petition.

[AVNEESH JHINGAN]
JUDGE

23rd June, 2021
mk

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