

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

CRM-M-28013 of 2020

DATE OF DECISION :- February 17, 2021

Inderbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Karanjit Singh, Advocate with Mr. Inderbir Singh-petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Inderbir Singh, aged about 26 years son of Kulwant Singh, resident of village Khanowal, Tehsil Ajnala, District Amritsar in case F.I.R No. 131 dated 1.6.2020 under Sections 498-A, 323, 34 IPC registered with Police Station Ajnala, District Amritsar.

Briefly stated the facts of the case as per prosecution story are that complainant Jatinderpal Kaur wife of present petitioner Inderbir Singh had submitted a written complaint at police station Ajnala in which she alleged that at the time of her marriage with Inderbir Singh on 25.10.2019, her parents had given dowry articles according to their status, however, after marriage her husband and members of her in-laws family started picking up quarrel with her for the reason that she had not brought a Car in the dowry. In the said complaint, the complainant alleged that she used to be harassed, maltreated and beaten up by her husband and members of in-laws family. Ultimately she was turned out of the matrimonial home after being given beatings, therefore, she had submitted complaint to the

police against her husband Inderbir Singh, father-in-law Kulwant Singh, mother-in-law Sarabjit Kaur and brother-in-law Jatinderpal Singh.

Apprehending his arrest in the case, petitioner Inderbir Singh had approached the Court of Sessions at Amritsar by way of filing an application for anticipatory bail. His such application, which was assigned to Additional Sessions Judge, Amritsar was, however, dismissed vide order dated 26.8.2020. Feeling aggrieved, the petitioner has approached this Court by way of filing the present petition craving for grant of similar relief, notice of which has been given to the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

I find that in the F.I.R the allegations are very vague and general which are mostly taken in routine manner by aggrieved wives. The petitioner has been granted interim bail in this case with a direction to join the investigation. Further more the petitioner had given an undertaking that he was ready to settle with the complainant in the matrimonial home by bringing her back.

Notice of present petition was given to the complainant and learned State counsel was asked to cause appearance of complainant before this Court by way of video Conferencing. Learned State counsel has informed that as per instructions given to him by ASI Baljit Singh, the complainant had been informed and she was asked to appear before this Court through video conferencing. The complainant stated that she would do so but she has not come present before this Court. Petitioner, who is present has been asked regarding the dispute between him and his wife. He has stated that his wife, the complainant has left the matrimonial home of her own and she is not willing to return despite his visits to the parental house of the complainant to bring her back and best efforts made by him to make her resume co-habitation with them. It has been pointed out by learned counsel for the petitioner that in F.I.R there are no allegations of petitioner and his family

members having committed criminal breach of trust with regard to dowry/Istridhan articles of the complainant, therefore there is no occasion for any recovery being effected from the petitioner. Learned State counsel has contended that since the petitioner has joined the investigation, his custodial interrogation is not required.

Under such circumstances, the interim bail granted to the petitioner on 16.9.2020 is made absolute, subject to the following conditions :-

- (i) he shall join the investigation as and when so directed.
- (ii) he shall appear in the Court on each and every date of hearing.
- (iii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iv) he shall not leave India without prior permission of the Court.
- (v) he shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

February 17, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No