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

(Through video-conferencing)

**CRM-M No.36943 of 2020
Date of Decision: 24.11.2021**

AMRIK SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Ms. Jasleen Kaur, Asstt. A.G., Punjab.

Mr. Munish Gupta, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

This case has been assigned to this Court in view of office report based on the order dated 23.04.2021 passed by the Co-ordinate Bench of this Court.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.245 dated 21.10.2020 registered under Sections 498-A and 406 IPC at Police Station Dasuya, District Hoshiarpur.

Notice of motion was issued on 10.11.2020 by passing

the following order:-

“Notice of motion.

Mr. B.S. Sewak, Additional Advocate General, Punjab, to accept notice on behalf of the State. A copy of the Paperbook be supplied to him.

Now, to come up on 02.03.2021.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1 That he shall make himself available for interrogation by a Police Officer as and when required;*
- 2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer and;*
- 3. That he shall not leave India without prior permission of the Court.*

10.11.2020
Apurva

(SUDIP AHLUWALIA)
JUDGE”

Thereafter learned counsel for the complainant appeared on 02.03.2021 and brought to the notice of this Court para nos.4 and 6 of the petition to contend that the alleged complaint filed by mother of the petitioner namely Harbhajan Kaur on 28.11.2019 was withdrawn by her on 24.12.2019 i.e. before lodging of FIR in question. The said complaint was

nothing, but an effort to create evidence for future purposes.

On 02.03.2021, the petition under Section 9 of the Hindu Marriage Act filed by the petitioner was pending before the Competent Court. The order dated 02.03.2021 is reproduced hereasunder:-

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

Notice of motion was issued on 10.11.2020 and interim bail was also granted.

Learned counsel for the complainant submits that the petitioner has projected a case of his willingness to rehabilitate the matrimonial house by attributing default on the part of wife/complainant. With this background, the petitioner filed petition under Section 9 of the Hindu Marriage Act which is pending at the stage of filing reply by the complainant. Complainant is always ready and willing to live in the matrimonial house along with the petitioner.

Learned counsel for the petitioner seeks time to have further instructions whether petitioner is willing to take the complainant along with his daughter in the matrimonial house.

Adjourned to 23.04.2021.

Interim order to continue.”

Thereafter the case was listed before the Co-ordinate Bench on 23.04.2021 and the same was ordered to be listed before this Court after due compliance.

Learned counsel for the petitioner submits that the petitioner has already withdrawn the petition under Section 9 of the Hindu Marriage Act from the matrimonial Court. Now his

instructions are that the petitioner is no more interested in taking the complainant back to the matrimonial house, owing to her violent act towards his aged mother.

Learned counsel further submits that in compliance of order dated 10.11.2020, the petitioner has joined the investigation and dowry articles have also been recovered from him.

Learned State counsel on instructions from ASI Jagga Ram also submits that the dowry articles have been recovered from the the petitioner and his custodial interrogation is no longer required. Challan is ready to be filed before the competent Court.

Learned counsel for the complainant however opposed the bail on the premise that the petitioner has not come to the Court with clean hands and, therefore, he does not deserve concession of anticipatory bail.

Having heard learned counsel for the parties, I find that in compliance of order dated 10.11.2020, petitioner has joined the investigation to the satisfaction of the Investigating Officer. Challan is ready to be filed in the competent Court and dowry articles have been recovered.

In view of statement of learned State counsel, the interim order dated 10.11.2020 is made absolute. However, the petitioner shall keep on joining the investigation as and when

required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

November 24, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No