

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

CRM-M No.43353 of 2021

Date of decision: 29th November, 2021

Pavittar Nath

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Sharma, Advocate for the petitioner.
Ms. Bhavna Gupta, Dy. Advocate General, Punjab
for the respondent/State.
Mr. Rishu Mahajan, Advocate for the complainant.

FATEH DEEP SINGH, J.

Petitioner Pavittar Nath has come up in this second regular bail application under Section 439 Cr.P.C. in case bearing FIR No.140 dated 23.09.2013 under Sections 406, 498-A IPC pertaining to Police Station Kartarpur, District Jalandhar City got registered on the statement of the complainant wife Manjita. The brief allegations are that the petitioner husband often ill-treated the wife even in spite of ten years having been elapsed to their marriage. The wife claims that the husband often physically assaulted her whenever he was in India. The petitioner was declared proclaimed offender on 28.07.2014 and consequent upon his arrest on 01.01.2017 was allowed bail and subsequently again absconded on 13.11.2019 and was declared proclaimed offender on

05.02.2020. It is thereafter, on 02.08.2021 the petitioner surrendered and is behind bars since then and has sought regular bail.

The contentions of learned State counsel Ms. Bhavna Gupta, Deputy Advocate General, Punjab assisted by learned counsel for the complainant Mr. Rishu Mahajan, Advocate that the petitioner is habitual to absconding and if allowed bail he will again abscond, have been controverted by the learned counsel for the petitioner Mr. Sandeep Sharma, Advocate on the grounds that the petitioner has already undergone more than one year and nineteen days and that the trial is not likely to be accomplished in the near future.

Appreciating the arguments of the two sides, no doubt, the petitioner husband is alleged to have assaulted his wife repeatedly and has been hauled up for commission of offences punishable under Sections 406 and 498-A IPC. The very applicability of Section 406 IPC is subject matter of debate as it is admitted by the complainant that the marriage is more than ten years old. Furthermore, keeping in view the period of incarceration undergone and the fact that trial is not likely to be accomplished in the near future, impels this Court to allow the present bail. However, keeping in view the previous conduct of the petitioner necessitates that he be allowed bail subject to his furnishing bail bonds in the sum of ₹ 5.00 lacs with two sureties each of the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar. It is

made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 29, 2021

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No