

**CRM-40634-2021 in/and
CRM-M-48537-2021**

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

**CRM-40634-2021 in/and
CRM-M-48537-2021
Date of Decision: December 14, 2021**

Sukhwinder Singh GillPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Gautam Dutt, Advocate for the petitioner.
Mr.Rakeshinder Singh Sidhu, AAG, Punjab.
Mr.S.S.Saron, Advocate for the complainant.

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RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-40634-2021

Instant application is filed for impleadment of the complainant as respondent No.2 in the present petition.

For the reasons mentioned in the application, the same is allowed. Complainant is ordered to be impleaded as respondent No.2 in the present petition. Amended memo of parties is taken on record.

CRM-M-48537-2021

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.0081, dated 04.11.2021, under Sections 498-A, 406, 506 IPC, registered at Police Station Ghuman Kalan, District Gurdaspur.

As per factual matrix of the case, FIR in question was lodged by

complainant-Jasmeet Kaur, wherein it has been alleged that her marriage was solemnized with Sukhmandeep Singh on 08.12.2018 with great pomp and show. Her parents spent a huge amount on the marriage and in giving the dowry, however, her in-laws were not satisfied with the same, thus caused mental and physical harassment to the complainant. Specific allegations have been levelled against the petitioner and the co-accused regarding misappropriation of her *istridhan* and causing harassment and cruelty to the complainant. The request is made to take the legal action against the accused. The petitioner approached the learned Additional Sessions Judge, Gurdaspur, for grant of anticipatory bail who declined the same vide its order dated 10.11.2021. Aggrieved by the same, the petitioner approached this Court for grant of anticipatory bail.

This Court after hearing the counsel for the petitioner issued notice of motion on 18.11.2021 and directed the parties to appear before the Mediation and Conciliation Centre of this Court. In the meantime, it was directed not to take any coercive action against the petitioner.

Counsel for the petitioner submitted that the parties appeared before the Mediation Centre, however, negotiations remained unsuccessful. He submits that the petitioner is the father-in-law and no offence is made out against him, as alleged, and hence he deserves the concession of anticipatory bail.

However, counsel for the complainant has vehemently opposed the submissions made by the counsel for the petitioner. He submits that a bare reading of the FIR would show that there are specific allegations against the petitioner. He submits that the husband Sukhmandeep Singh Gill

and the mother-in-law are already in Canada and the petitioner is trying his level best to circumvent the lawful procedure and leave the country. He submits that conduct of the petitioner would show that in order to save himself from the present FIR, he has filed an application under Section 13-B of the Hindu Marriage Act against his wife in the Family Court at Batala, in this age. He submits that this type of conduct is sufficient enough to disentitle the petitioner for seeking the extraordinary relief.

I have heard the learned counsel for the parties.

This is apparent from the record that co-accused of the petitioner, i.e. husband and mother-in-law of the complainant, are already residing in Canada. The petitioner is the only accused, who is in India. There are specific allegations of demand of dowry from the complainant and causing her harassment mentally as well as physically. The parties were referred to Mediation for finding some solution and interim relief was granted to the petitioner for the same. However, no serious efforts were made to avail the opportunity. The investigation is at threshold. The facts and circumstances of the case do not qualify the petitioner on the anvil of the conditions envisaged under Section 438 Cr.P.C. The Court finds that granting protection to the petitioner would result in scuttling the ongoing investigation.

Thus, I find no merit in the present petition and the same is hereby dismissed.

December 14, 2021
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(RAJESH BHARDWAJ)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No