

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-13262-2021
Decided on : 10.02.2022

Baljit Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. S.S.Brar, Advocate
for the complainant.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioners in case FIR No.18 dated 21.02.2021 under Sections 406/498-A IPC 1860 registered at Police Station Women District Ludhiana.

Learned counsel for the petitioners states that on account of a marital discord between petitioner No.1 and the complainant, FIR in question was registered against the petitioners. He further submits that the allegations levelled by the complainant that she was brutally assaulted by petitioner No.2, who had tried to strangle her, was not supported by any medical evidence. Learned counsel also submits that the marriage between the parties was solemnized on 02.11.2014 and all the allegations qua the physical and mental cruelty were made after six years of marriage, which by itself created a big question-mark about the authenticity of the allegations levelled. Learned counsel submits that pursuant to order dated 27.10.2021, passed by this Court, the petitioners have joined the investigation.

Learned State counsel assisted by counsel for the complainant on instructions from ASI Sukhdev Singh does not dispute the factum of the petitioners having joined the investigation. He has further apprised the Court that the injuries allegedly received by the complainant at the hands of the petitioners were found to be simple in nature.

He, on further instructions states that the petitioners had handed over all the dowry articles/istridhan of the complainant during investigation, however, she had refused to accept them. He, submits that the custodial interrogation of the petitioners is not required by the police.

Learned counsel for the complainant has, however, reiterated the allegations levelled against the petitioners, which find reflected in the FIR. He has disputed the submissions made by the State counsel that the petitioners had handed over all the dowry articles/istridhan of the complainant and that she had refused to accept them. He has further submitted that petitioner No.2 had forged a document (Annexure P-14) in collusion with the Gurudwara Gobind Sar Parbhandak Committee, Jalandhar qua the presence of the petitioners in some seva, langar etc. at the said Gurudwara. Learned counsel submits that pursuant to a complaint given against the petitioner in this regard, a FIR too had been registered on 08.02.2022. Learned counsel submits that the document Annexure P-14 had been forged by petitioner No.2 to create evidence in his favour and raise a plea of alibi at the time of trial in the present FIR. Learned counsel submits that vide Annexure P-13 information through RTI had also been received wherein it stood revealed that the complainant had made a phone call to the police against petitioner No.2 on 02.11.2020 qua the alleged harassment.

Heard learned counsel for the parties and perused the material available on record.

In the wake of instructions received by the State counsel that the petitioners had joined the investigation, cooperated during investigation and is not required for further investigation, the petition is allowed and interim order dated 27.10.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

10.02.2022

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No