

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109) CRM-41469-2022, CRM-41470-2022
IN/AND CRM-M-13508-2022
Date of decision: 11.11.2022

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nikhil Batta, Advocate for the petitioner.
Mr. P.S.Grewal, DAG, Punjab.
Ms. R.K.Grewal, Advocate for the complainant.

SUVIR SEHGAL, J. (Oral)

CRM-41470-2022

Noticing the prayer made in the application, it is allowed.

Hearing of the main case is preponed from 05.12.2022 to today
and it is ordered to be taken on Board.

CRM-41469-2022

Application is allowed as prayed for.

OPD Slip dated 26.10.2022 issued by Government Rajindra Hospital,
Patiala, is taken on record as Annexure P-10.

CRM-M-13508-2022

Instant petition has been filed under Section 439, Cr.P.C., for grant of
regular bail in FIR No.11 dated 05.03.2021, registered for offences under
Sections 406, 498-A, 448, IPC, however, Section 201, IPC, was added, later
on, at Police Station Women, Patiala, District Patiala, Annexure P-1.

Counsel for the petitioner has contended that FIR is an outcome of a matrimonial dispute and the petitioner-husband is in custody since 23.02.2022. He submits that although besides allegations of entrustment of dowry articles, harassment and cruelty, petitioner is alleged to have trespassed the complainant's house, but she has already taken back its possession. He submits that marriage has been dissolved by ex-parte judgment and decree dated 02.07.2022, Annexure P-9. It is his argument that on conclusion of investigation, challan has been presented and charge has been framed, therefore, the petitioner deserves to be released on bail. Reference has been made to OPD slip, Annexure P-10, to urge that petitioner's middle aged mother requires immediate medical attention.

Per contra, State counsel, upon instructions from HC, Sanjeev Kumar, submits that out of 34 prosecution witnesses, none has been examined. He is assisted by counsel for the complainant.

I have considered the submissions made.

This court is of the view that a liberal approach has to be adopted while considering petitions seeking post-arrest bail in matrimonial matters arising out of proceedings initiated under Section 406 and 498-A, IPC. In such matters, most of the times, trivial disputes are either blown out of proportion or the allegations levelled appear far from truth. It has been observed that majority of these discords end up in a settlement and keeping a spouse or a relative in detention for months together aggravates the bitterness and creates hurdles in bringing about an amicable compromise.

Noticing the nature of allegations levelled against the

petitioner, ailment of his mother, length of custody, stage of trial as well as the divorce between the parties, this Court is of the view that the petitioner deserves to be enlarged on bail.

Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail, during the pendency of trial, on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

11.11.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes