

CRM-M-1817-2023

-1-

103

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1817-2023

Date of Decision:- 21.03.2023

SUKHWINDER SINGH

....Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Sukhpreet Kaur, Advocate for the petitioner.

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Sukhwinder Singh has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0084 dated 23.10.2022 under Sections 406, 498-A, 34 of the IPC registered at Police Station Lambran, District Jalandhar Rural.

The facts of the case are that the complainant – Amrinder Kaur filed a written complaint against her husband Sukhwinder Singh and others alleging that she got married with Sukhwinder Singh on 11.03.2018. Out of this wedlock, she is blessed with a son namely Sartaj Singh, aged about three and a half years. Soon after the marriage, her husband Sukhwinder Singh and her in-laws used to quarrel with her in connivance with each other. She was being harassed for bringing less dowry. They used to say that her parents had not given dowry of good quality. In fact, her father had given gold rings to the husband and in-laws, gold chain to

her along with silver anklets, a watch for her husband, as per his capacity.

CRM-M-1817-2023

-2-

All the members of in-laws family instigated her husband who used to quarrel with her. She was beaten up. One application was filed to Women Police Station but the matter was compromised. Even thereafter, there was no change in his behaviour. She was again turned out of the house by giving beating. Now, she is residing in her parental house for the last 4-5 months. Her husband did not come to bring her back. With these allegations, the matter was inquired and thereafter, the present FIR has been registered.

Learned counsel for the petitioner argued that the allegations levelled by the complainant are false. The marriage was solemnized in a simple manner. In fact, it was third marriage of the complainant with the petitioner, therefore, a simple ceremony took place in the presence of close family members. In fact, the complainant used to put pressure on him to stay with her parents and on his refusal, she filed false applications to the police by levelling wrong allegations of harassment. They were living separately from the other family members, therefore, there was no interference in the matrimonial home. He has not received any dowry. Therefore, there is no question of any recovery. He has already joined the investigation. Therefore, his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State. It is pointed out that till date, no dowry articles have been recovered. The counsel representing the State has placed on record the photographs showing the giving of gold ornaments, gifts, shagun to the petitioner and other family members at the time of marriage. It is pointed out that the petitioner has not cooperated in the investigation. Therefore, he is not entitled to be released on anticipatory bail.

CRM-M-1817-2023

-3-

I have considered the arguments and have gone through the record carefully. The contents of FIR show that at the time of marriage, the parents of complainant had given gold ornaments and other customary gifts. To support this fact, the photographs of marriage are also placed on record. On the other hand, the petitioner is denying the receipt of said gold ornaments or customary gifts altogether. His arrest was stayed subject to the joining of investigation. As per the version of learned counsel representing the State, he has not cooperated during investigation and not even single dowry article has been recovered. The dowry articles given at the time of marriage is the case property as per the provisions falling under Section 406 of IPC, which are yet to be recovered. Since, the petitioner – Sukhwinder Singh has not cooperated in the investigation, in my opinion, he is not entitled to the concession of anticipatory bail and the same is accordingly, declined.

21.03.2023
lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No