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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1896-2023 (O&M)
Date of decision : 11.08.2023

Sukhpal Singh @ Sukhpal Singh Sidhu & Anr. ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.S. Sekhon, Advocate for the petitioners.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Himanshu Chhabra, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.117 dated 05.10.2022 under Sections 452, 323, 325, 506, 427 and 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Sangrur, District Sangrur.

2. On 16.01.2023 the following order was passed :

“Mr. Himanshu Chhabra, Advocate appears and files Vakalatnama on behalf of respondent No.2/complainant in Court today, which is taken on record, subject to all just exceptions.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant

case at the behest of statement of respondent No.2/complainant. It is further submitted that marriage of daughter of petitioner No.1, namely Jaspreet Kaur, was solemnized with respondent No.2/complainant on 16.11.2018 and a son was born from the said wedlock. A huge amount of Rs.20,00,000/- was spent, in the shape of dowry and gift items, by the petitioners in the said wedding. But after the marriage, respondent No.2 started harassing the daughter of petitioner No.1 with demand of more dowry. However, a complaint with regard to the beatings given to daughter (Jaspreet Kaur) of petitioner No.1 was also got registered against respondent No.2 in the month of February, 2022, but the same was amicably settled between the parties with the intervention of the Panchayat, vide compromise dated 23.02.2022 (Annexure P-2). Still respondent No.2 did not mend his ways and kept on harassing the daughter (Jaspreet Kaur) of petitioner No.1 with demand of more dowry and as the petitioners were unable to meet his demands, therefore on 26.06.2022, respondent No.2 gave severe beatings to Jaspreet Kaur, which fact was telephonically informed to petitioner No.2 (brother of Jaspreet Kaur) by her, whereupon the petitioners went to the house of respondent No.2 in order to pacify and sensitize him but instead of calming down, respondent No.2 slapped petitioner No.1 and even torn his clothes. Thereafter, respondent No.2 himself called the police and lodged a frivolous complaint against the petitioners by concocting the false story. Learned counsel for the petitioners further states that medical record dated 26.06.2022 of Jaspreet Kaur and photographs depicting

the beatings given to her by respondent No.2 are annexed as Annexures P-3 and P-4, respectively, with the instant petition. It is further stated that representation dated 29.06.2022 (Annexure P-6) was also submitted by Jaspreet Kaur, regarding the aforesaid incident dated 26.06.2022, before the Senior Superintendent of Police, Sangrur, but no action was taken in that regard. Thereafter, another representation dated 07.10.2022 was submitted by Jaspreet Kaur, on the basis of which, a cross-case being GD No.13 dated 14.12.2022 (Annexure P-7), under Section 498-A IPC, was registered in the present case FIR No.117 dated 05.10.2022 (Annexure P-1) against respondent No.2 and his mother, namely Sukhwinder Kaur. Learned counsel further submits that there is an unexplained delay of more than four months in registration of the instant FIR (Annexure P-1) as the incident had taken place on 26.06.2022 and statement of respondent No.2 was recorded on 28.06.2022 whereas FIR was lodged on 05.10.2022. Learned counsel for the petitioners further states that the petitioners are ready and willing to join the investigation.

Learned State counsel opposes the bail plea of petitioners, keeping in view the nature and gravity of the offences.

List on 15.02.2023.

In the meanwhile, in the event of arrest of the petitioners, they shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, they shall join the investigation as and when

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directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

Parties are directed to remain present in Court on the next date of hearing.”

3. Learned counsel for the petitioners would contend that pursuant to the said order, the petitioners have joined investigation and have fully cooperated.

4. Learned counsel for the State, on instructions from ASI Paramjit Singh, has stated that the petitioners have since joined investigation and have fully cooperated and that they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 16.01.2023 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

11.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO