

281

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8889-2022

Date of Decision:- 02.02.2023

MALKEET SINGH @ MALKIT SINGH @ FAUJIPetitioner

Vs.

STATE OF PUNJAB AND ANR ...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Davinder Singh Khurana, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Addl. A.G. Punjab.

Mr. Himanshu Gupta, Legal Aid Counsel
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Malkeet Singh @ Malkit Singh @Fauji has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.193, dated 10.06.2021 under Section 354-C of Indian Penal Code, 1860 and 67(A) of Information Technology Act, 2000 registered at Police Station Jandiala, District Amritsar Rural.

The facts of the case are that Bakhsish Kaur gave her statement to the police that she is married to Malkeet Singh and out of this wedlock, she is having a daughter aged about 5 months. After marriage, on account of dispute, FIR No. 262 dated 28.10.2019 under Section 498-A of IPC, Police Station Jandiala was registered by her against her husband. She started living in her parental house. Her husband used to visit her whenever he came on leave. During this period, she became pregnant. Her

complainant on his Whatsapp status. The matter was inquired and ultimately the present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. It is alleged that the complainant is not his wife. A false FIR has been registered against him under Section 498-A of IPC. There is nothing on record to show that he ever put the photographs of complainant on his Whatsapp status. Large number of cases are filed by the complainant against him. He has placed on record copy of plaint in a suit for permanent injunction filed against the complainant for restraining her representing herself to be his wife, which is Annexure P-3. The copy of FIR No. 262 dated 28.10.2019 under Section 498-A of IPC, Police Station Jandiala, District Amritsar Rural is Annexure P-4. He is ready to join the investigation. It is prayed that his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State alleging that till date the petitioner has not joined the investigation. There are specific serious allegations against him. The mobile phone used by him is yet to be recovered. Therefore, he is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the status report filed by the counsel representing the State. The complainant has alleged herself to be the wife of present petitioner which is denied by him. It is a matter of record that Malkeet Singh has filed suit for permanent injunction against the complainant, which is Annexure P-3, whereas, on the complaint of the complainant Bakhsish Kaur, FIR No. 262 dated 28.10.2019 under Section 498-A of IPC, Police Station Jandiala, District Amritsar Rural has been registered. The counsel representing the

complainant has also placed on record the Dependent Identity Card of the complainant and her daughter on the file and two photographs of marriage are also produced. The arrest of the petitioner was stayed for appearing before Mediation and Conciliation Centre. However, the petitioner appeared twice before the Mediator and thereafter did not come, as a result, no proper proceedings took place before Mediation and Conciliation Centre. The status report filed by the learned counsel representing the State further indicates that the petitioner has never joined the investigation nor his present place of posting is known to the investigating agency. The correspondence is pending with the army authorities. In these circumstances, the investigation of the case could not start nor the said mobile phone could be recovered. The presence of petitioner is required to complete the investigation but he has avoided to appear. In these circumstances, I do not find a fit case for grant of anticipatory bail to the petitioner – Malkeet Singh @ Malkit Singh @ Fauji and the same is, accordingly, declined.

02.02.2023

*lalit***(AMARJOT BHATTI)**
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No