

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 107

Criminal Miscellaneous No.M-18730 of 2023

Date of Decision: April 18, 2023

Satnam Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Shamsher Singh Gill, Advocate for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.13 dated 09.03.2023, under Sections 323, 498-A, 34 IPC, registered at Police Station Kheri Naudh Singh, District Fatehgarh Sahib, Punjab.

2. There are specific allegations against the petitioner-husband of harassing the complainant-wife on account of demand of dowry and giving her blows and hitting her with boots on head. The marriage between the parties was solemnized on 30.03.2018 and two children were born out of the wedlock.

3. Learned counsel for the petitioner contends that it is a case of false implication, and the petitioner has never harassed the complainant, as alleged. The incident of alleged beatings is dated 05.03.2023 but the FIR was lodged after delay of about four days. Therefore, the allegations cannot be believed. It is also contended that the parties had entered into a compromise dated 03.12.2021 (Annexure P-6) to settle their disputes, and based on that the petitioner had withdrawn the divorce petition filed under

4. Notice of motion.
5. Mr. Jashandeep Singh, AAG, Punjab, appears and accepts notice on behalf of respondent-State, and on instructions from SI Harjit Singh, states that there are specific allegations against the petitioner. The complainant was admitted to hospital for treatment of the injuries inflicted upon her, and as per the MLR there are seven injuries on her person.
6. Submissions made by the parties have been considered.
7. A perusal of the FIR shows that there are specific allegations of harassment and maltreatment of complainant by the petitioner. He used to beat her up by raising demands of dowry. The instances of beatings dated 26.02.2023 and 05.03.2023 at about 07:00 P.M. under the influence of liquor, to pressurize the complainant to bring ₹ 10 lakhs from her mother, have specifically been mentioned. On receiving telephonic call, complainant's mother along with her paternal uncle came to the matrimonial house and got her admitted in the civil hospital. The MLR *prima facie* substantiate the allegations levelled. Looking at the petitioner's conduct as also the fact that investigation of the case is at initial stage, custodial interrogation will be required to establish the facts alleged, and unearth the truth.
8. In view thereof, there is no ground to grant pre-arrest bail to the petitioner.
9. Dismissed.

(Tribhuvan Dahiya)
Judge

April 18, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No