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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19672-2021

Date of Decision:- 13.03.2023

SANDEEP JAIN

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. S.K. Jain, Advocate and
Mr. Anubhav Singla, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. K.S. Nalwa, Advocate for the complainant/respondent
No. 2.

AMARJOT BHATTI, J. (Oral)

The petitioner – Sandeep Jain has filed this petition under Section 438 Cr.P.C. for grant of concession of pre arrest bail in FIR No. 42 dated 09.03.2021, under Section 498-A of IPC, registered at Police Station Women Cell, Ludhiana.

The facts of the case are that the complainant – Reetu Jain filed written complaint to the police against Sandeep Jain and Sameer Jain for physical and mental cruelty. It is alleged that she got married with Sandeep Jain on 23.11.1991 at Delhi. Her marriage was performed with great pomp and show. She was given dowry articles by her parents. Out of this wedlock, she is having three children i.e. two sons and a daughter. Her elder son and a daughter are married and younger son is unmarried. During her stay in the matrimonial home, she was harassed and maltreated from the beginning. She was beaten up time and again. She was not permitted to

meet her parents. Her husband was having illicit relation with their servant Manu and they were seen together by her, her son Ansh and another servant Pinki. She was constantly insulted and beaten up. Rather, he started levelling false allegations against her. She was given beating even in the presence of staff members of their factory. The complainant has narrated various incidents of acts of cruelty. Ultimately, being fed up with the behaviour of accused persons, she left the matrimonial house along with her children, sister-in-law and her children on 11.09.2020. All her dowry articles are lying in the matrimonial home. The accused have withdrawn Rs. 4 lacs approximately from the account of the complainant and her sister-in-law. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against the petitioner are false. They got married in the year 1991 and the present FIR has been got registered in March, 2021. There is no truth in the allegations levelled by the complainant. His sister-in-law Vishakha has also left the matrimonial home. They have taken away all their valuable articles. He has already joined the investigation and he is still ready to do so. Therefore, the *ad interim* bail already granted in his favour may be confirmed.

The bail application is opposed by learned counsel representing the complainant. It is argued that the petitioner has treated his wife and all members of the family with cruelty. They were abused and beaten up. The complainant and all other family members left the matrimonial home under compelled circumstances. Therefore, he is not entitled to the concession of anticipatory bail.

Learned counsel representing the State confirmed that the

petitioner has joined the investigation and he is not required further for any purpose.

I have gone through the record. The complainant who is the wife of accused Sandeep Jain levelled serious allegations of cruelty and maltreatment received by her in the matrimonial home. It is alleged that soon after marriage, she was continuously abused and beaten up and for that reason, she along with her children as well as her sister-in-law along with her children left the matrimonial home. No doubt, the allegations are serious in nature but the present FIR has been registered only under Section 498-A of IPC. The petitioner has already joined the investigation. No recovery is to be effected from him. The merits of the case will be decided by the trial Court. Therefore, no purpose would be served by sending the petitioner behind the bars. Considering these facts, the *ad interim* bail already granted in favour of the petitioner Sandeep Jain vide order dated 17.05.2021 stands confirmed, subject to the conditions as enshrined under Section 438(2) Cr.P.C.

The petition is, accordingly, accepted.

13.03.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No