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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18338-2023(O&M)

Date of Decision:17.10.2023

Ranjodhbir Singh Sandhu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prince Sharma, Advocate and
Mr. Pranav Chadha, Legal Aid Counsel,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Ms. Sapna Seth, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.227 dated 07.06.2022, under Section 379 IPC, registered at Police Station Butana, Tehsil Nilokheri, District Karnal, Haryana.

2. It has been submitted by the learned counsel for the petitioner as well as learned legal aid counsel who was appointed on the last date of hearing that it is a case where the present FIR was got lodged on the basis of a matrimonial dispute between the parties. They submitted that the petitioner got married to the daughter of the complainant and it was a love marriage and thereafter some differences arose between them. The wife of the petitioner who is the daughter of the complainant left India and went to Canada and now she

has shifted to Canada on PR basis and as per the allegations when earlier she had come to India and she was going back to Canada, then at one Dhaba on highway, the petitioner had allegedly snatched a bag from her. They submitted that the petitioner does not deny the presence of the petitioner at Dhaba but it was because he had gone to meet his own wife and there was no matrimonial litigation pending between them and the allegation that he had snatched away her passport and currency amounting to 3000 dollars etc, is totally false and concocted story in view of the fact that the present FIR was lodged pertaining to an occurrence in the month of June whereas the wife of the petitioner herself had made a complaint before the Punjab Police in District Jalandhar by stating that she has lost her passport and apart from the above, in the FIR, it has been so stated that there is a divorce petition pending between the petitioner and his wife whereas in fact there is neither any divorce petition nor any kind of litigation at all pending between the petitioner and his wife and therefore, on the face of it, the allegations in the FIR were concocted and false especially on the aforesaid two grounds. They further submitted that the present FIR is primarily based upon a matrimonial dispute and so far as the bag which has been shown in the CD is concerned, the same has already been returned to his wife. They further submitted that the petitioner has already joined investigation many number of times and therefore, the interim protection which has been granted vide order dated 17.04.2023 may be confirmed especially in view of the fact that now the wife of the petitioner who is the daughter of the complainant has left India permanently and has settled in Canada on PR basis and the rights of the petitioner regarding his life and liberty may be protected under Article 21 of the Constitution of India.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana has stated that so far as the compliance made by the petitioner in pursuance of

the orders passed by this Court is concerned, he has already joined investigation as per the instructions. He submitted that the only objection the State has is that the snatched amount is yet to be recovered.

4. Ms. Sapna Seth, Advocate appearing on behalf of the complainant has submitted that the snatched articles are yet to be recovered from the petitioner.

5. I have heard the learned counsel for the parties.

6. It is a case where on the face of it, it appears to be a matrimonial dispute between the parties and as per the learned counsel for the petitioner, the petitioner had married the daughter of the complainant by way of a love marriage and thereafter some differences arose between them. The petitioner has already joined investigation in pursuance of the orders passed by this Court on 17.04.2023. The only objection now which has been taken by the learned State counsel and the counsel for the complainant is that the articles and cash which was in the bag are yet to be recovered. So far as the article pertaining to passport as alleged by the complainant is concerned, the wife of the petitioner herself had lodged a complaint at Jalandhar that the passport has been lost. So far as the currency and other things are concerned, the same is the subject matter of trial because as per the learned counsel for the petitioner no such snatching had taken place and even otherwise also nothing can be seen in the CD as to what was contained in the bag. Apart from the above, this Court will also consider an important factor in the present case that the wife of the petitioner who is the daughter of the complainant has already left India permanently because as per the learned counsel for the parties, she has shifted there on PR basis.

This Court while considering the prayer for grant of anticipatory bail has to

strike a balance between the allegations made and the right to life and liberty guaranteed under Article 21 of the Constitution of India. In the present case, this Court is of the view that in view of facts and circumstances, the petitioner deserves the concession of anticipatory bail.

7. Consequently, the present petition is allowed. The order dated 17.04.2023 is hereby made absolute.

17.10.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No