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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22897-2022

Date of Decision:- 18.04.2023

Inderpal Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. Amritpal S Sohal, Advocate
for Mr. Sandeep S. Majithia, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Inderpal Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0051 dated 07.03.2022 under Sections 406, 498-A of IPC, registered at Police Station PS Women, District Police Commissionerate, Ludhiana.

The facts of the case are that Kamalpreet Kaur filed written complaint against her husband Inderpal Singh and others alleging that she got married with Inderpal Singh on 05.03.2016 at Ludhiana. Out of this wedlock, she gave birth to a son, who is now 3 years old. Her parents had performed marriage by spending huge amount. She was given gold ornaments, costly clothes and other articles as her istrydhan. After marriage she was not given her dowry articles for her use. Soon after marriage the behaviour of husband and in-laws family changed as they were expecting

Innova car. Her parents could give a small car i.e. Celerio. After marriage, she was ill-treated on account of bringing less dowry. Her husband was raising demand for Innova car and cash of Rs. 10 lakhs. Her parents tried to make them understand but there was no change in their behaviour. She was given beating. Ultimately she was turned out of the matrimonial home on 15.05.2019. Panchayat was also convened to settle the matter but it failed. After enquiry, the present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against the petitioner are false. In fact, he has filed petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights, which is Annexure P-2. He has already joined the investigation and the dowry articles are handed over to the police. He is still ready to abide by the terms of bail order. It is prayed that his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the complainant as well learned counsel representing the State, alleging that some of the dowry articles are recovered as per recovery memo dated 25.03.2022, whereas, rest of the dowry articles are yet to be recovered. Therefore, the petitioner is not entitled to be released on anticipatory bail.

I have considered the arguments and have gone through the record carefully. The matter was referred to Mediation and Conciliation Centre but no fruitful result could come. The petitioner was granted *ad interim* bail as per order dated 25.05.2022. He has joined the investigation. The learned counsel representing the State has placed on record the recovery memo dated 25.03.2022 vide which the dowry articles are recovered. However, it is claimed that other gold ornaments, cash amount

is yet to be recovered. So far as this aspect of the case is concerned, it is matter of evidence if other dowry articles are miss-appropriated by the petitioner or other family members. Considering the aforesaid facts, I find merits in the anticipatory bail application filed by the petitioner – Inderpal Singh and the same is allowed and *ad interim* bail already granted in his favour vide order dated 25.05.2022 stands confirmed, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly, allowed.

18.04.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No