

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

103

CRM-M-32718-2023

Date of decision: 10.10.2023

Rajinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

PRESENT: Ms. Ruby Kaur, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. B.S. Bairagi, Advocate for the complainant.

NIDHI GUPTA, J.

1. Prayer in this first petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No. 21 dated 25.04.2023 registered under Section 498-A IPC at Police Station Ajitwal, District Moga.

2. Briefly, the aforesaid FIR was registered on the basis of a complaint moved by complainant-Shinder Singh, father-in-law of the petitioner, alleging therein that marriage of his daughter-Sandeep Kaur with the petitioner was solemnized on 02.04.2018. After around two years of marriage, in-laws of his daughter started harassing and maltreating her for demand of dowry. On one day at around 12:00 a.m., at midnight they turned her out of the matrimonial house. Thereafter, on 24.08.2020, a compromise was effected between the parties at Police Station Tanda, where the petitioner/husband and mother-in-law of the

complainant's daughter gave an undertaking in writing that in future they will not harass or maltreat his daughter. It is alleged that the petitioner/husband and his mother have a suspicious attitude as they neither allow his daughter to go outside nor they are providing her with any maintenance. They do not allow his daughter to even visit the Gurdwara Sahib to pay obeisance. On 06.10.2021, the complainant along with respectable persons had visited Tanda, where SHO of Police Station Tanda, got effected another compromise between them, as per which, the in-laws of the victim undertook not to restrain her from going to Gurdwara Sahib, but again after a few days, they stopped her from visiting Gurdwara Sahib. It is further alleged that as per the aforesaid compromise, the petitioner and his mother had to give Rs.1000/- per month to the victim, but now they have refused to pay the same. On 31.01.2023, the petitioner and his mother had beaten the victim up and demanded Rs.5,00,000/- from her for purchasing a vehicle and threatened that in the event of non-fulfillment of their demand, the petitioner will divorce her and she will be shunted out from the matrimonial house. Thereafter, the victim had gone to the house of one Sarwan Singh, middleman and told him about the incident, who gave her some money with the help of which she reached at her parental home. With these broad allegations, aforesaid FIR was registered against the petitioner.

3. Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. Marriage of the petitioner with the victim/daughter of the complainant was solemnized on 02.04.2018 and out of the said wedlock one girl child was born on 10.01.2019, who is presently in the care and custody of her

mother/daughter of the complainant. It is submitted that this is the second marriage of both the petitioner and victim/daughter of the complainant and that the allegations levelled in the FIR are false and fabricated. Learned counsel submits that the complainant is an active member of a political party in power in Punjab and is giving threats to the petitioner that if, he does not accede to the demands of his daughter, he will teach a lesson to him and his mother. The petitioner or his mother never treated his wife or his minor daughter with cruelty, in fact, his wife is not taking care of the minor girl child. It is also submitted that nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

4. No other argument is raised on behalf of the petitioner.
5. *Per Contra*, learned counsel for the State assisted by learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner submitting that serious allegations have been levelled against the petitioner and his mother. The petitioner along with his mother harassed and maltreated the daughter of the complainant on account of demand of dowry. Twice compromise was effected between the parties wherein the petitioner and his mother have admitted that they will not harass or maltreat the daughter of the complainant, but on both occasions they resiled from their admission. There are allegations against the petitioner and his family that they have demanded Rs.5,00,000/- for purchase of vehicle and in the event of non-fulfillment of their demand, they shunted the daughter of the complainant out from her matrimonial

house at midnight. The petitioner is not even maintaining his wife nor his minor daughter as till date he has paid nothing to them. Specific allegations have been levelled against the petitioner. It is further submitted that it has been recorded in the impugned order dated 26.06.2023 that *“said complaint was enquired into by the Deputy Superintendent of Police (Crime against Women), who called the parties. Complainant party got recorded statements. However, none from the other side came, inspite of issuance of repeated notices”*. Thus, custodial interrogation of the petitioner is very much required.

6. I have heard learned counsel for the parties.

7. Perusal of the order sheets shows that vide order dated 17.07.2023, the matter was referred to Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement between the parties. However, mediation between the parties has failed as is evident from the report of the Mediator dated 27.09.2023.

8. Further, from the perusal of case file, it transpires that there is matrimonial discord between the daughter of the complainant and the petitioner. This is the second marriage of both the petitioner and Sandeep Kaur/daughter of the complainant. Allegations against the petitioner are that he along with his co-accused/mother used to give beatings and maltreat and harass the daughter of the complainant on account of demand of dowry. They, in connivance with each other had demanded Rs.5,00,000/- from the daughter of the complainant and on account of non-fulfillment of their demand, they turned her out from the matrimonial home along with minor daughter at midnight. Specific allegations have been levelled against the petitioner. More so, the petitioner is not paying

anything towards maintenance of his wife/daughter of the complainant and his minor daughter. The allegations against the petitioner are serious in nature and his custodial interrogation is very much required to elicit the real facts.

9. In case of *State represented by the C.B.I. v. Anil Sharma, Law Finder Doc ID # 39786*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

10. In *Jai Prakash Singh v. State of Bihar and another (2012) 4 SCC 379*, Hon'ble Supreme Court held that anticipatory bail can be granted only in exceptional circumstances where the Court is *prima facie* of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty.

11. Without commenting on the merits of the matter, however keeping in view the totality of facts and circumstances of the case, I am of the considered view that no ground is made out for grant of anticipatory bail at this stage. Accordingly, the present petition is **dismissed**.

12. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

10.10.2023

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No