

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.36718 of 2023
Date of Decision: 14.11.2023

Vijay Rana @ Vijay Singh Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Ms. Neha Jain, Advocate appearing for
Mr. Naresh Kumar, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab
for the respondent-State.

Mr. Vinod Kumar, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner has made the 2nd attempt to seek the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.09 dated 24.01.2021 registered at Police Station Talwara, District Hoshiarpur, under Sections 498-A and 406 IPC.

2. Shorn and short of unnecessary details, the allegations, as levelled by the complainant-wife against the petitioner-husband in the subject FIR, are that he, along-with his co-accused, had subjected her (wife) to cruelty, physical as well as mental, for demanding more dowry.

3. I have heard learned counsel appearing for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file carefully.

4. Learned counsel appearing for the petitioner contends that the complainant-wife has got the petitioner falsely implicated in the criminal case under reference and no specific allegations have been levelled against him (petitioner) in the above-said FIR and moreover, he is ready and willing to join in the investigation as and when required and in these circumstances, he deserves the relief, as prayed for in this petition.

5. Per-contra, learned State counsel argues that the petition bearing *CRM-M No.12835 of 2021*, as moved by the petitioner earlier for seeking the same relief as prayed for in the instant petition, had been dismissed by this Court on 12.07.2023 vide order Annexure P-7 because the petitioner had been extended the concession of interim anticipatory bail therein but he had failed to co-operate in the investigation and ultimately, the afore-mentioned petition had been dismissed for having been withdrawn and it being so, the present petition be dismissed.

6. The contentions qua the false implication of the petitioner and regarding no specific allegations having been levelled against him in the above-referred FIR, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage, after appreciating and evaluating the evidence that may be led on the record, during the course of the trial and the same cannot be decided while dealing with this bail petition.

7. So far as the contention regarding the petitioner being ready and willing to join the investigation is concerned, it is worth-while to point it out here that as mentioned in the order Annexure P-7, he (petitioner) had been granted the relief of interim bail by the Co-ordinate Bench, with the direction to join in the investigation and on the first occasion, learned State counsel apprised the Court that though, the petitioner did join in the said proceedings

but the gold ornaments were still to be recovered from him. Thereafter, the petitioner was afforded another opportunity to join the investigation, with the direction to co-operate with the Investigating Agency but however, learned State counsel again informed the Court that he had not joined in the afore-said proceedings and the gold jewellery items, which constituted the '*Istridhan*' of the complainant-wife, were yet to be recovered from him and in view of the above-discussed scenario, learned counsel for the petitioner had preferred to withdraw the afore-mentioned previously filed petition.

8. To add to it, a perusal of Annexure P-2, i.e the translated version of the FIR, reveals that it has specifically been mentioned therein that the inquiry qua the allegations levelled by the complainant, had been conducted by Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur and he had reported that the accused were asked, through '*WhatsApp*', to join the enquiry proceedings but they deliberately did not do so. Thus, it is explicit that the petitioner has been flagrantly violating the directions as given by the Inquiry Officer and this Court as well.

9. Keeping in view the afore-discussed facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand, being *sans* any merit, stands dismissed.

14.11.2023
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No