

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**208****CRM-M-42142-2023(O&M)****Date of decision: 13.10.2023****Amandeep Singh****...Petitioner(s)****Vs.****The State of Punjab****...Respondent(s)****CORAM:****HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: -

Mr. G.S. Bajwa, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG Punjab.

NIDHI GUPTA, J.

Prayer in the present petitioner filed under Section 438

Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.48 dated 30.06.2023 under Sections 498-A and 494 IPC registered at Police Station Women Amritsar City (Annexure P1)

2. Complainant in the present case is the wife of the petitioner.

3. Learned counsel for the petitioner inter alia submits that the petitioner was married to the complainant-wife on 16.11.2008. Two children were born out of this wedlock of whom one child i.e. son is with the petitioner and daughter is with the complainant-wife. It is submitted that the allegations made in the FIR are false and fabricated inasmuch as the petitioner made no dowry demand from the complainant or her family. It is further submitted that the complainant-wife is currently residing in the matrimonial home along with her in-laws, and it is the petitioner who has

been ousted from his own house. It is submitted that in pursuance to notice issued to the petitioner under Section 41A Cr.P.C., the petitioner has co-operated and is still willing to co-operate with the investigating agency.

4. Mr. Vikas Bali, Advocate puts in appearance on behalf of the complainant and filed power of attorney which is taken on record.

5. Learned State counsel files status report by way of affidavit of Khushbir Kaur, PPS, Assistant Commissioner of Police (South), Amritsar City, having additional charge of Assistant Commissioner of Police (Crime against Women and Children), Amritsar City dated 06.10.2023 which is taken on record and copy supplied to counsel opposite.

6. Learned State counsel assisted by learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner and submits that very serious allegations have been made by the complainant in the present FIR inasmuch as it has been alleged that the petitioner has asked the complainant-wife to run a brothel. Learned State Counsel on instructions from ASI Gurbhajan Singh states that the petitioner runs a hotel and has given a room to the complainant-wife in the said hotel where he sends drunk people. It is submitted that prior to registration of present FIR, another FIR No.326 dated 19.10.2022 already stands registered against the petitioner under Sections 3, 4, 5, 6 and 7 of The Immoral Traffic (Prevention) Act, 1956 at Police Station B Division, Police Commissionerate, Amritsar, District Amritsar. Learned State Counsel further refers to para 4 of the status report to submit that after registration of the present FIR, inquiry was conducted in the matter whereupon a

detailed inquiry report dated 26.06.2023 was submitted, concluding part of which is as follows:-

“From the enquiry, it has been found that the applicant Neha Kamboj, is being mentally harassed by her husband Amandeep Singh and he has solemnized marriage with an another girl, Neha daughter Aswani Kumar, a resident of Nawan Kot Dam, Amritsar, without taking divorce from her. Therefore, investigation is required to be conducted after registration of FIR under 498-A, 494 IPC against her husband Amandeep Singh son of late Sewa Singh, resident of House No. 2612, Street No. 02, Godama Wali Gali, Ghee Mandi, Amritsar and his second wife, Neha, daughter of Aswani Kumar, resident of Nawa Kot, Damganj, Amritsar, if any facts comes to the light against the other members of the In-laws family of the applicant during the investigation, then same will also be considered. If approved by you, please kindly issue necessary directions in this regard”.

7. Learned State counsel submits that the second wife of the petitioner has also registered an FIR against the petitioner.
8. I have heard learned counsel for the parties.
9. Needless to say the allegations made against the petitioner in the present FIR are of a very serious nature. In case of ***State represented by the C.B.I. v. Anil Sharma, Law Finder Doc ID # 39786***, Hon'ble Apex Court has 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 has 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 enroped in the crime and would not misuse his liberty.

11. This Court is of the considered view that no ground to grant concession of bail is made out. Thus, in the facts and circumstances of the case custodial interrogation of the petitioner is necessitated and therefore, the petitioner is not held entitled to grant of concession of anticipatory bail. Present petition accordingly stands **dismissed**.

12. Pending application(s) if any also stand(s) disposed of.

13.10.2023

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No