

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M No.54535 of 2023
Date of Decision: 17.11.2023

Nirmal Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Imran Farooqi, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. Through the instant petition under Section 438 of Code of Criminal Procedure, the petitioner seeks anticipatory bail in case FIR No.0021, dated 12.09.2023, registered under Sections 498-A and 406 of IPC, at Women Police Station, Malerkotla, District Malerkotla.

2. The brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of complaint submitted by the complainant-respondent No.2 Taruna on 12.09.2023 alleging therein that she had met the petitioner-accused in September 2021 on his being introduced by her friend Ramandeep Kaur. She was in search of a job and the petitioner while representing that he was working as an officer at Punjab National Bank Branch, Cheema Chowk, Ludhiana assured to help her in securing a permanent job. Gradually, he gained her trust and on the pretext of providing a job to her, he took all her original certificates and certain

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blank papers from her. He made her join the training at Punjab National Bank by saying that she needed to undergo the same. On 29.09.2001, he gave a letter issued on the letter head of Punjab National Bank as to her temporary employment in the Bank and also assured her that she would become permanent employee. The complainant received deposits of Rs.18,000/- each in the following two months and then also received a confirmation letter by way of E-mail showing that she had been given permanent job. In the meanwhile, he proposed the complainant to marry him by representing that his sister Sandeep Kaur was coming from Canada and wanted to meet her. The petitioner then made the complainant meet accused Sandeep Kaur, Sohan Singh and Rani Kaur in the Bank. They even visited her parental house and offered for alliance of the petitioner with her to which her parents had agreed and the engagement ceremony of the petitioner and complainant was performed on 08.05.2022. Their marriage was finalized on 04.11.2022. The petitioner then told the complainant that he had been transferred elsewhere and she should also seek her transfer from the current branch. Just prior to the schedule date of their wedding, the petitioner along with the co-accused made demand of a car and on expressing inability on the part of her family to meet this demand, the petitioner and other accused proposed to get a car booked by initial deposit of 50-60 thousand rupees. While trusting the petitioner and other accused, the family of the complainant got an Alto car booked. Sometime thereafter, the petitioner pressurized the complainant to make down payment of a sum of Rs.1.5 lacs and then their demands started increasing and at the time of marriage, her parents spent a sum of Rs.10 lacs and gave sufficient dowry articles including jewellery. Shortly after her wedding, the petitioner and his family

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members started taunting her on account of demand of dowry. She was maltreated and physically abused. Demands of a sum of Rs.5 lacs and car were raised by them. On 06.02.2023, she was extended severe beatings and was thrown out of her house. She started feeling severe pain in her abdomen and on getting Ultrasonography done, she was found to be pregnant. The behaviour of the petitioner and his family members even worsened thereafter. The complainant then came to know that the petitioner was not a bank employee and simply used to work temporarily as a recovery agent on commission basis. It was also revealed to her that the job which she secured at Punjab National Bank was also based on the credentials of someone else. In this manner, the petitioner had cheated her. She prayed for taking action against the culprits. A case under Section 406 and 498-A of IPC was registered. Investigation is going on. The petitioner moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Sangrur which had been dismissed vide order dated 16.10.2023.

3. The present petition has been filed by the petitioner on the grounds that he has been falsely implicated in this case. His custodial interrogation is not required. The subject offences had not been made out against him.

4. Vide order dated 30.10.2023, the petitioner was directed to join the investigation.

5. Today, learned State counsel has filed status report. It is submitted by learned State counsel that the petitioner has joined the investigation on 04.11.2023. He, however, does not have any criminal antecedents. His custodial interrogation is necessary for proper investigation

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of the case. Therefore, he argued that the petition did not deserve to be allowed.

6. The petitioner is alleged to have subjected the respondent-complainant to cruelty on account of unlawful demand of dowry and is further alleged to have criminally misappropriated her dowry articles. He has joined the investigation. His custodial interrogation is no more required. As such, no useful purpose would be served by detaining him in custody. Keeping in view the nature of the subject offences and the entire attendant facts and circumstances, I am of the considered opinion that it is a fit case for exercising power under Section 438 of Cr.P.C. and for extending anticipatory bail to the petitioner. Hence, the petition is allowed and the order dated 30.10.2023 is made absolute subject to the conditions that the petitioner shall appear before the Arresting Officer/Investigating Officer within ten days and shall join the investigation as and when required by the Investigating Officer and subject to other usual terms and conditions of Section 438 (2) of Cr.P.C.

17.11.2023
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No