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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-60670-2022

Date of Decision:- 16.03.2023

SUDHIR KULLU

...Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Vijay Lath, Advocate for the petitioner.

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

Mr. L.S. Lakhanpal, Advocate for the respondent No. 2 /
complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Sudhir Kullu has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0165 dated 02.10.2022, under Sections 406 and 498-A of IPC (offence u/s 406 IPC added later on vide DDR No. 41 dated 29.10.2022), registered at Police Station Kartarpur, District Jalandhar Rural, Punjab.

The facts of the case are that the complainant - Sania Gill filed a written complaint against her husband Sudhir Kullu and others alleging that the parties belong to Christian community. The marriage of complainant with accused No. 1 was love-cum-arranged marriage, solemnized on 21.02.2020. The complainant is working as a Staff Nurse at C.H.C. Kartarpur, whereas, accused No. 1 is working in Sacred Heart Hospital, Maqsudan as Radiographer and CT MRI Technician. At the time of marriage, gold ornaments, cash amount, valuable clothes etc were given as per the demand of accused persons. After marriage, the accused turned

out to be greedy persons. The accused No. 3 took possession of her gold jewellery on the pretext of safe custody. She was being harassed by her husband who was pressurizing her to deposit her entire salary in his bank account. She started residing in the Government quarter at CHC Kartarpur. In April 2021, accused No. 1 started compelling her to purchase Innova car to be used for taxi. On her refusal, she was ill treated by her husband. She gave birth to a daughter on 19.09.2021. The accused were unhappy with the birth of female child. He used to pick up quarrels with her in order to compel her to satisfy his demand for purchase of Innova car. In September 2021, her husband and in-laws forcibly took her signatures on blank papers. On 02.11.2021, her husband left her company without any reason and neglected to maintain her and her daughter. She filed a complaint which was later on withdrawn with a hope that better sense would prevail upon him but he repeated his previous behaviour. Ultimately, the complaint was filed, on the basis of which present FIR has been registered.

Learned counsel for the petitioner argued that the allegations levelled against him are false. In fact, the complainant was nicely kept in the matrimonial home. Nobody ever objected on the birth of girl child. In fact, the parental family of complainant was interfering in their matrimonial home and because of this, the dispute started. He is ready to join the investigation. He has also placed on record the photographs of marriage, Annexure P-8, photograph on the birth of child, Annexure P-11. It is further pointed out that he has already handed over the gold set which is in the possession of police. The complainant is residing in her own house. Therefore, 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. Status report is filed. It is pointed out that one gold set is taken into police possession. However, the other articles are yet to be recovered. It is prayed that petitioner is not entitled to the relief of anticipatory bail.

I have considered the arguments and have gone through the record carefully. It is admitted fact that the complainant was residing in the Government quarter provided to her along with her husband and family. She is still residing there. The petitioner has already joined the investigation and one gold set is also handed over to the police. He is still ready to join the investigation as and when required. Considering these facts, the anticipatory bail application filed by the petitioner – Sudhir Kullu is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as enshrined under Section 438(2) Cr.P.C.

The petition is, accordingly, accepted.

16.03.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No