



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-11952-2023 (O&M)
Date of Decision: 05.09.2024

BHAWANJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. B.P. Singh, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Karanveer Singh, Advocate and
Mr. S.S. Aviraj, Advocate
for the complainant.

HARPREET KAUR JEEWAN , J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.21 dated 15.02.2023, under Sections 406 and 498-A IPC, 1860, registered at Police Station Dakha, Ludhiana Rural.
2. The FIR was registered at the instance of the wife of the petitioner, as per which, the marriage of the petitioner and complainant was solemnized on 15.03.2020 and there were allegations that since February, 2021, the petitioner and his family members used to beat the complainant. After some time, the complainant got pregnant and she went to her parental house as she was fed up with the abuses and beatings given at the hand of the petitioner and his family members. The petitioner used to beat the complainant even during the period



when she was pregnant. The complainant was admitted to DMC hospital, at the time of delivery and a male child was born. However, all the expenses of the hospital were borne by the father of the complainant but unfortunately after the birth of the child, the father of the complainant died. It is further an allegation that the petitioner, who is working in police department had taken a loan for purchase of a plot at Green Enclave, Mullanpur and constructed a house, which is on the name of his mother but she was not being allowed to stay in that house. As such the respondent No.2 is residing in the house of her parents. She is alleged to have been mentally and physically tortured by the petitioner and his family members. Even the dowry articles given at the time of the marriage had not been returned to her.

3. Learned counsel for the petitioner submits that the petitioner has joined the investigation in terms of the order dated 13.03.2023 passed by the Coordinate Bench of this Court. He further contends that the petitioner is ready to cooperate with the investigating agency.

4. Learned State counsel on instructions from ASI Tarsem Singh has informed that the petitioner has joined the investigation in terms of the order dated 13.03.2023 passed by the Coordinate Bench of this Court, however recovery is yet to be effected.

5. Short reply dated 05.07.2024 along with the documents filed on behalf of the respondent-State is already on record.

6. Learned counsel for the complainant has opposed the bail on the ground of gravity of allegations against the petitioner and subsequent conduct of the petitioner.

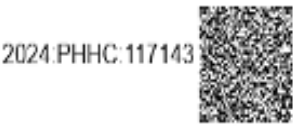


7. I have heard learned counsel for the parties and perused the relevant documents.

8. The arrest of the petitioner was stayed as per order dated 13.03.2023 passed by the Coordinate Bench of this Court and the parties were directed to appear before the Mediation and Conciliation Centre of this Court. On the next date of hearing i.e. 11.05.2023, the learned counsel for the complainant had filed documents (Annexures R-1 to R-4). The complainant had also moved a complaint before the Director, Mediation and Conciliation Centre of this Court on 23.01.2024 (Annexure R-5), whereby she had reported about the misconduct done by the petitioner in Mediation and Conciliation Centre of this Court. It has been alleged that the petitioner had abused and levelled allegations against the complainant and uttered such words, which were against the reputation of the complainant. It is further alleged in the said complaint that the complainant had informed the mediator but no action was taken by the Mediator.

9. The complainant had specifically alleged that prior to the registration of the FIR, she had moved a complaint on 23.07.2022 and the said complaint was withdrawn as the petitioner had agreed to rehabilitate the complainant. It is alleged in the reply (Annexure R-4) that the petitioner, who is working in IT wing of the Punjab Police department had removed the mobile phone number 7743090830 linked with the bank account of the complainant and linked the said bank account with his own mobile number. In this regard, the complainant had filed a complaint before the Commissioner of Police, Ludhiana on 05.03.2024 (Annexure R-6).

10. Perusal of complaint (Annexure R-6) indicates that the



complainant had specifically alleged that the petitioner had taken advantage of his position in Police department and he had changed the email id linked and the mobile number, which were linked with his bank account, as such, the complainant was not getting any messages from the bank.

11. It is further alleged in the complaint that prior to the registration of the FIR, during the period from March 2020 to June, 2021, the ATM card of the complainant was with the petitioner and he had withdrawn Rs.1,50,000/- out of the bank account of the complainant. The recovery of said amount has not been effected. However, it has been informed that now the complainant has got issued fresh ATM card, however, the original card, from which the said withdrawal was made, has not been returned by the petitioner.

12. Keeping in view the allegations in the FIR and subsequent conduct of the petitioner, the petitioner is not entitled for concession of anticipatory bail merely on the ground that he had joined the investigation.

13. Consequently, the petition stands dismissed.

14. Interim orders dated 13.03.2023 and 26.07.2023 stand vacated.

15. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

16. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

05.09.2024
P.Bhatt

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