

**209(01) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12912-2023

Date of decision: 10.01.2024

GURDHIAN SINGH

.....Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Navjot Singh, Advocate
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Present petition filed by the petitioner under Section 438 Cr.P.C. for issuance of direction to the arresting officer to release the petitioner on bail forthwith in the event of his arrest in case FIR No.234 dated 27.12.2022 (Annexure P-1) under Sections 498-A and 406 (added later on) of Indian Penal Code, 1860, registered at Police Station Lehra, District Sangrur, Punjab.
2. Learned counsel for the petitioner contends that the present FIR has been registered at the instance of the wife of the petitioner, who has made false allegations regarding her harassment at the instance of the petitioner and his mother on the pretext of dowry and has wrongly alleged that the petitioner is having relations with other girls. It is further contended on behalf of the petitioner that the petitioner is currently not having any kind of relations with the lady namely Renu @ Girjesh Kumari. The petitioner had consensual relationship with the said lady in the year 2017-18, before his marriage with respondent No.2-complainant. After marriage with respondent No.2, both had submitted their case for going abroad (Canada) and for that purpose, the gold ornaments of respondent No.2-complainant

2. Learned counsel for the petitioner contends that the present FIR has been registered at the instance of the wife of the petitioner, who has made false allegations regarding her harassment at the instance of the petitioner and his mother on the pretext of dowry and has wrongly alleged that the petitioner is having relations with other girls. It is further contended on behalf of the petitioner that the petitioner is currently not having any kind of relations with the lady namely Renu @ Girjesh Kumari. The petitioner had consensual relationship with the said lady in the year 2017-18, before his marriage with respondent No.2-complainant. After marriage with respondent No.2, both had submitted their case for going abroad (Canada) and for that purpose, the gold ornaments of respondent No.2-complainant

were sold for a sum of Rs.1,50,000/-. The said plan for going abroad could not succeed and thereafter, the petitioner gave a sum of Rs.1,00,000/- to his brother-in-law namely Pritpal Singh and certain money was spent on the treatment of respondent No.2-complainant. He further contends that the petitioner had tried to contact the family members of the complainant and requested them to convince the complainant not to fight with the petitioner on petty issues. Respondent No.2 wants to get a divorce from the petitioner without any cause which is not agreeable to the petitioner. In fact, the petitioner has never harassed the complainant. The mother of the petitioner has been granted concession of anticipatory bail as per the order dated 03.03.2023 passed by the learned Additional Sessions Judge, Sangrur (Annexure P-2). The petitioner is also ready to join investigation.

3. Learned State counsel has opposed the bail application on the ground that though the petitioner had joined the investigation but complete recovery has not been effected from the petitioner.

4. The counsel for the complainant has also opposed the bail application on the ground that the petitioner has not complied with the order dated 20.10.2023, passed by Coordinate Bench of this Court whereby, the petitioner was directed to open FDR in the name of the child, who is under the guardianship of respondent No.2-complainant/mother for a sum of Rs.5,00,000/- in a nationalized Bank. Upon attaining the age of majority, the child was given the liberty to use the said amount for his future education. It is contended on behalf of the complainant that the petitioner has misused the interim protection granted by this Court and he is not entitled to the relief under Section 438 Cr.P.C.

5. I have heard the aforesaid contentions and perused the record.

6. On the first date of hearing i.e. 15.03.2023, in view of the request

Conciliation Centre of this Court to assist the parties for resolution of their dispute amicably. Thereafter, vide order dated 22.03.2023, the petitioner was granted interim protection under Section 438 Cr.P.C. by the Coordinate Bench of this Court and it was made clear that the petitioner shall be released on interim bail only for the purpose of mediation and the order shall have no bearing on the final decision and adjudication of the case on merits. On 20.07.2023, the parties were directed to remain present in the Court on the next date of hearing. Thereafter, on 31.08.2023, respondent No.2-wife was present in person, however, the petitioner was not present on ground of personal difficulty. On request of learned counsel for the petitioner, an adjournment was granted subject to payment of cost of Rs.15,000/- to respondent No.2. On the next date of hearing i.e. 20.10.2023, the parties were present and their contentions were recorded that they are open to explore the possibility of compromise and in principle, the parties agreed that they would like to reside together but direction was given to the petitioner by the Coordinate Bench to open a fixed deposit in the name of the minor child for the purpose of his educational expenses. As per the report of the Director, Mediation and Conciliation Centre dated 06.11.2023, the mediation failed and it was reported that the petitioner is not ready to settle the matter amicably while the respondent No.2-wife is ready to compromise the matter.

7. As per the paper book, the FIR was registered at the instance of respondent No.2-wife with the allegations that the marriage of the petitioner was solemnized with her on 24.11.2020. After six months of marriage, the in-laws of respondent No.2-wife started harassing her. Her father-in-law used to behave with her in an indecent way and was using filthy language with her. When a protest regarding the same was raised by respondent No.2-wife to the petitioner-husband, they all started beating her in the presence of the neighbours. There are also

allegations that a demand of dowry was made and the dowry articles as well as the gold ornaments have been misappropriated. It is further mentioned in the FIR that the petitioner is having relations with other girls and he openly calls them on video call in the presence of the complainant and he used to give money to one Renu, who wished to settle with the petitioner. Even threats have been given to the petitioner by the family of the said lady, but still the petitioner is not ready to leave her. The petitioner has raised a demand of Rs.5,00,000/- from the complainant-wife and threatened her that if she does not fulfill his said demand, he would commit suicide.

8. Keeping in view the gravity of the allegations against the petitioner and the fact that the petitioner has himself alleged that gold ornaments belonging to respondent No.2 were sold for a sum of Rs.1,50,000/- for the purpose of going abroad but they could not go abroad and thereafter, the said amount was not given back to respondent No.2 but to a third person, it is not a fit case for granting concession under Section 438 Cr.P.C. to the petitioner, as such, the present petition stands dismissed. Interim order dated 22.03.2023, passed by the Coordinate Bench, is vacated.

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

(HARPREET KAUR JEEWAN)
JUDGE

10.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No