

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

202

CRM-M No.15205 of 2023
Date of decision: 08.01.2024

Manvir Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Anil Mehta, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. H.S. Dhindsa, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition under Section 438 of Code of Criminal Procedure has been filed by the petitioner seeking pre-arrest bail in case bearing FIR No.02, dated 05.01.2023, registered under Sections 325, 406 and 498-A of IPC, at Police Station City Kharar, District S.A.S. Nagar, Punjab on the basis of a complaint filed by his wife i.e. the complainant Sukhwinder Kaur making allegations of her being subjected to cruelty and harassment at the hands of the petitioner and his family members on account of demand of dowry and about non return of her istridhan by him. Several instances of the harassment meted out by her at the hands of the petitioner have been quoted in the complaint and it is also alleged that the petitioner had extended beatings to her on 12.11.2016 to such an extent that her eardrum was ruptured. She also alleged that the petitioner was a bipolar

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under the influence of his brother and mother who too had been harassing her. After registration of FIR, investigation proceedings are going on.

2. Learned counsel for the petitioner has argued that the allegations on the face of the FIR are false and do not make out any case for commission of the offences under Sections 406, 498-A and 325 of IPC. The allegations pertained to the year 2016-17. The custodial interrogation of the petitioner is not required. He is ready to join the investigation and accordingly, it is urged by him that he deserves to be given concession of bail.

3. Learned State counsel assisted by learned counsel for the complainant, on the other hand, has argued that the allegations against the petitioner are serious and specific and require thorough investigation and accordingly, they have argued that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties at a considerable length and have perused the record.

5. It has come on record that efforts were made for effecting settlement between the parties by referring the matter to the Mediation and Conciliation Centre of the High Court but the parties have not been able to reach any amicable settlement. Be that may as it be, keeping in view the nature of the allegations as levelled against the petitioner, I am of the considered opinion that his custodial interrogation of the petitioner is not required and no useful purpose would be served by detaining him in custody. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his surrender before the Investigating Officer ASI Sanjay who is present in Court within a period of ten days who in the event

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of arrest, shall admit him to bail on furnishing bonds to his satisfaction, subject to the following conditions laid down in Section 438(2) of the Code of Criminal Procedure:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and shall not try to contact the respondent No.2;
- (iii) that the petitioner shall not leave India without the previous permission of the Court.

08.01.2024	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No