

104 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20100-2024
Date of decision: 24th April, 2024

Baljit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hardeep Singh, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking pre-arrest bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
31	20.03.2024	Police Station Women, District SAS Nagar, Mohali	406 and 498-A of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered against the petitioner on the basis of a written complaint filed by his wife Kulbir Kaur by making allegations that the petitioner who is married with her for the last fourteen years, is exerting pressure upon her to get separated from him and to obtain divorce from him as he is having extra marital affair with one Manpreet Kaur and even the said Manpreet Kaur has also pressurized her to

take divorce from her husband and that she is also being threatened by the petitioner and above-named Manpreet Kaur.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the allegations in the FIR do not make out any case for commission of offences punishable under Sections 406 and 498-A of IPC as there are no allegations that he has either subjected his wife to cruelty on account of demand of dowry or has criminally misappropriated any property owned by her. There are vague allegations about his having affair with some Manpreet Kaur or about her being forced by him to leave her matrimonial house. He is ready to join the investigation. His custodial interrogation is not at all required. Therefore, it is urged that the petitioner deserves to be extended benefit of pre-arrest bail.

4. *Per contra*, learned State counsel has submitted that there are specific allegations against the petitioner that he is harassing his wife and is subjecting her to mental cruelty. For conducting thorough investigation of the matter, custodial interrogation of the petitioner is required. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner has been booked in this case on the allegations that he wants to solemnize marriage with one Manpreet Kaur and the said Manpreet Kaur and the petitioner himself are exerting pressure upon her and are leading her to mental trauma. These allegations even if believed to be

correct on the face of record, do not make out any case for commission of offences for which he has been booked i.e. the offences under Sections 406 and 498-A of IPC as there is no whisper in the FIR that the victim has been subjected to cruelty on account of demand of dowry or any property belonging to her has been criminally misappropriated by the petitioner and converted to his own use. In view of the above discussed facts but without meaning to make any comment upon the merits of the case, I am of the considered opinion that no useful purpose would be served by detaining the petitioner in custody. Therefore, the petition is allowed and it is ordered that in the event of his arrest, the petitioner would be released on anticipatory bail, subject to his joining investigation within a period of fifteen days from the date of passing of this order, subject to compliance of other usual terms and conditions of Section 438(2) of Cr.P.C. and further subject to his furnishing personal/surety bonds to the satisfaction of the Investigating/Arresting Officer.

[MANISHA BATRA]

JUDGE

24th April, 2024

Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No