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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24350-2024

Date of decision: 15.05.2024

Shanky Kapil

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Kamlesh, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The second petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.60 dated 14.03.2024 under Sections 323/506/498-A/34 of IPC and Section 325 of IPC added later on, registered at Police Station Kharar, SAS Nagar, Mohali. First petition was dismissed as withdrawn vide order dated 09.05.2024 passed by this Court.

Mr. Himanshu Chhabra, Advocate puts in appearance on behalf of respondent No.2 and files his *vakalatnama* in the Court today which is taken on record.

Learned counsel for the petitioner *inter alia* contends that after the matrimonial dispute ensued between the petitioner and his wife/respondent No.2, respondent No.2 has become habitual of filing false and frivolous complaints against the petitioner and his family members and the complainant/respondent No.2 never wanted the widow mother of the petitioner

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to live with them. Earlier also, on her complaint proceedings under Sections 107/151 of Cr.P.C. were initiated by the jurisdictional police authorities. Thereafter, on 17.11.2022, the complainant moved yet another complaint in the Women Cell, Chandigarh and she removed all her articles from the rented accommodation on 19.04.2023. On 08.03.2024, the petitioner was called by mother as she was not keeping well and the complainant scuffled and scratched the face of petitioner with her nails. She further relies upon the photographs available on record as Annexure P-5. It is further contended that one more complaint on 08.03.2024 was filed against the petitioner and his widow mother at Police Station Kharar and complainant is changing her version in every complaint. It is further contended that while petitioner was going along with his *mama* and *mami*, he was intercepted and given beatings. The petitioner has made a complaint regarding this incident on 08.03.2024 but not action has been taken and the entire incident has been recorded in the CCTV footage regarding which the petitioner has already filed an application under Section 91 of Cr.P.C. for preserving the CCTV footage. Further, the petitioner is seeking divorce before the learned Family Court, Chandigarh.

Per contra, the learned State counsel assisted by Mr. Himanshu Chhabra, Advocate for the complainant, opposes the grant of anticipatory bail to the petitioner on the ground that the compliance of Section 41-A of Cr.P.C. was duly made and petitioner has been served with a notice. However, the petitioner is the main accused and he has assaulted his wife and brother-in-law in which his brother-in-law has suffered grievous hurt breaching the threshold of Section 325 of IPC and it is not a simple case of 498-A IPC. The gravity of

the offence does not entitle the petitioner to claim anticipatory bail.

Having heard learned counsel for the parties and after perusal of the record, this Court finds no ground to grant anticipatory bail to the petitioner and thus, the same stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

15.05.2024
Neha

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