

213/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43210-2023 (O&M)
DATE OF DECISION : 08.02.2024

SURMUKH SINGH .. PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rahul Garg, Advocate for
Mr. Naveen Batra, Advocate for the petitioner.

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

Mr. Veeraj Sharma, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.68 dated 24.05.2023, under Sections 406 and 498-A IPC (Sections 354-A and 354-D IPC added subsequently), registered at Police Station Anandpur Sahib, Rupnagar.

2. On 31.08.2023 following order was passed:

“xxxx The FIR was lodged at the instance of the complainant Simranjit Kaur and is reproduced as under :-

“it is requested that I Simranjeet Kaur w/o of Dharminder Singh D/o Amarjeet Singh Chansi Hajuri Ragi Takhat Sri Keshgarh Sahib Ward No. 1, Mohala Mazra, Sri Anandpur Sahib. My marriage was solemnized on 08.12.2019 with Dharminder Singh son of Surmukh Singh resident of Malikpur, Tehsil and District Rupnagar according to Sikh rites and rituals and me, my mother and younger brother all there are handicapped, our eyesight is very weak. At the time of marriage my in-law's family and my husband knew about our disability the relationship took

place after my father death. About Rs. 8 lakh rupees were spent on marriage and my parents gave me a gold set, topus to my mother-in-law, kada to my Husband, chap to my father-in-law, such as Microwave, Oven, Sofa Set, Dressing table, Almirah, T.V. and cash of Rs.51,000/- was given to the in-laws. I would like to mention that since my father death was at Takhat Sahib therefore at the time of marriage sangat and Guru Paryars fully supported my marriage. I felt big difference between the pre-marriage and post-marriage situation that Dharminder Singh and Sukhmush Singh have cheated me. Dharminder Singh by keeping me in dark and by telling lies solemnized marriage with me. They have taken the benefit of our loneliness and I do not have father. Request is that after the marriage I came to know that my husband has medical problem, he is having difficulty in urine and did not keep him clean they do not know how to live. After the marriage they kept me in dirty environment. Sir, I request that my mother-in-law was sick and she was on bed, she was mentally sick. Therefore, my father-in-law was taking benefit of my weak eyesight and keeping her wrong eye on me. Whenever I go to bathroom/washroom then he used to look at me with bad look. Many time he tried to touch and force me wrongly. When I tried about this to my husband then he started harassing me. Both father and son in connivance with each taking the benefit of my disability gave me liquor and thereafter in unconscious condition my husband clicked my video from his phone and then blackmailed me and my family. They knew that I am Amrit Dhari even then he did this to me and corrupted my religion. I want to say that for this reason I have been pardoned by appearing before the five beloved Panj Payara Sahib in presence of Sri Guru Granth Sahib at Takht Sri Keshgarh Sahib on 01.05.2022 and again baptized. They did not stop here. They started stopping me from talking to my relatives with their acquaintances and started inciting my acquaintances against me and then blackmailed me and my family. They kept me in a room without food, making fun of my eyesight and many times scuffled with me. Both father and son threatened me that they have money, and they can do anything, they knew about the Court procedure and can harass me over there. My father-in-law said that he can prepare 10 false fitness report of his son by siting at home and as I do not have father and helpless from my eyes. I requested that in spite of these circumstances my mother tried to settle my home but they both father and son did not mend their ways. They harassed me and threw me out of the house and then made allegation of theft and filed a false case against me. I want to say that on 25.03.2022 I received summons and thereafter I am

residing in parent house at Anandpur Sahib. I want to say that prior to the case my mother in presence of some respectables tried to settle the matter and a Panchayati compromise was executed but they did not stop their bad doings. Sir, respected Judge get return my educational certificates and other important documents from them but all my jewelry and other articles are with them and I demanded from them very politely but they refused to return and telling lie that "do not where it is. They filed a false case against me and after one year to get justice I approached the Court and filed the case in the Court at Anandpur Sahib but in spite of the case in the Court Dharminder Singh did not stop harassing me. Sir, Dharminder is misusing his mobile and social media. By creating false IDs on Facebook and Instagram he sending messages to my relatives and friends. Whenever my relatives came to meet me at our home he chased me and stealthily clicked photographs. Sir why this is done? What is behind this? What is the purpose of Dharminder, I have fear for life. Sir me, my mother and brother are weak from eyes and used to go by foot but due to Dharminder we feel threat to our life. Sir, due to these acts last year in August September I moved a complaint before Women Cell Ropar they tried to make Dharminder understand but he did not stop. Sir, you can help me and lost my tolerance. It is requested that my jewelry and other articles and the amount be recovered from them and get rid me from Dharminder, I have tried to make agreements with him in every way but now I do not want to reside with him and they should be severely punished for what they have done because they consider the Hon'ble Court and law as game. I am requesting you to take care of our safety thanking you, yours faithfully, signed Simranjeet Kaur."

Learned counsel for the petitioner inter alia submits that the petitioner is father-in-law of the complainant and is an old aged person. It is stated that the petitioner and the complainant are living in separate houses since 25.8.2022. Learned counsel submits that therefore the allegations made in the FIR are utterly false and fabricated. He submits that in the FIR itself, the complainant has admitted that the parties have been living separately since 25.3.2022 and during this period no complaint was made by the daughter-in-law/complainant. It is also submitted that the son of the petitioner/husband of the complainant has already filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights on 21.12.2021 (Annexure P-3).

Notice of motion.

On asking of the Court, Ms. Kanica Sachdeva, AAG,

Punjab accepts notice on behalf of respondent-State and seeks time to file detailed status report in the matter.

Adjourned to 17.11.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

iv) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;

v) 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/her from disclosing such facts to the Court or to any police officer ;

vi) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the said order. The petitioner is the father-in-law of the respondent-complainant.

4. Learned counsel for the respondent-State, on instructions from ASI Balbir Singh, confirms that the petitioner has joined the investigation and some recovery has been effected from the co-accused of the petitioner (husband of the complainant). His custodial interrogation is not required anymore.

5. In view of the aforesaid reasons and the reasons recorded in the order dated 31.08.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the

Investigating Agency, the present petition is allowed and the order dated

31.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

08.02.2024

(HARPREET KAUR JEEWAN)
JUDGE

Janki

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No