

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-43961-2023 (O&M)

Date of order: 29.02.2024

Pritpal Singh

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Kamal Narula, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

Mr. Rohit Sharma, Advocate
for complainant/respondent No.2.

Nidhi Gupta, J.

The petitioner is seeking anticipatory bail in case FIR No. 99 dated 10.06.2023 (Annexure P-1) registered under Section 498-A/323 IPC (Section 406 IPC added later on) at Police Station Guruharshai, District Ferozepur.

2. On 04.09.2023, this Court had passed the following order:-

"Prayer in this second petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0099 dated 10.6.2023, under Sections 498-A and 323 IPC (later on Section 406 IPC added), registered at Police Station Guruharshai, District Ferozepur.

The present FIR has been registered on the statement of the complainant/respondent No.2, which reads as under :-

“To, The SSP, Ferozepur, Subject: - For registration of an FIR against 1). Pritpal Singh son of Surta Singh 2). Surta Singh son of unknown 3). Gurjit Singh son of Surta Singh 4) . Ranjit Kaur wife of Gurjit Singh, all residents of Baghuwala, Tehsil Gurusahai, district Ferozepur 5). Simarjit Kaur wife of Manjit Singh resident of village Bhawan, district Mansa, 6) . Amandeep Kaur wife of Satpal Singh, resident of village Bura Gujar, District Sri Muktsar Sahib, for giving beatings, misappropriation of Istridhan turning out applicant alongwith daughter of 2¼ years after giving beatings for demand of Car in dowry by in-laws family. Sir, It is requested that I, Sukhdev Kaur wife of Pritpal Singh, daughter of Nishan Singh, resident of Village Pala Chak (Chak Megha Mahatam) Tehsil Gurusahai, District Ferozepur. On 16.11.2017 my marriage was performed with Pritpal Singh son of Surta Singh resident of Baghuwala, Tehsil Gurusahai, District Ferozepur and we have a daughter Gurjot kaur who is aged about 2¼ years. My parents spent more than their means on my wedding, in which to my husband a gold chain, a golden bracelet, two gold rings, a wristwatch, to father-in-law Surta Singh a gold ring, to mother-in-law Balwinder Kaur (who died about 3 and a half years later) a gold ring in her name, to brother-in-law Gurjit Singh a gold ring, to maternal uncle Karnail Singh a gold ring, to Nandoi Satpal Singh and Manjit Singh and uncle in law (Pappa) gold rings. My parents gave me a kitty set weighing 5 tolas, 5 rings of gold, forks of gold, pounds of silver. Apart from this, a new motorcycle make Splendor, AC, fridge, LED, Washing machine, sewing machine, wardrobe iron, double bed, sofa set and other household items were given. I was given a gold ring by my parents on the first Lori too. The

wedding program was held at Buta Ram Dharamshala Guruharsahai and 250 persons in baraat attended the party. Good arrangements were made for food and drink including veg and non-veg for the baraties and relatives, all expenses of which were paid by my parental family. A few days after the marriage, my husband and mother-in-law, father-in-law alongwith brother-in-law Gurjit Singh and sister-in-law Ranjit Kaur along with both sister-in-laws (nanaana) Simarjit Kaur and Amandeep Kaur started taunting me about the dowry and said that we did not get the dowry according to our status. A car and 2-4 lakh rupees should have been given as dowry, We have been insulted in the community. I requested my in-laws that my parents have already spent more than their means on my marriage, they cannot fulfill any other request then my husband and brother-in-law Gurjit Singh and sister-in-law Ranjit Kaur started beating me everyday. Both sister-in-law interfere a lot in my in-laws' house and instigate my husband and in-laws' family against me and whenever they come, they beat me up. But I continued to endure all their torture to build my house. After marriage, I came to know that my husband, who works in furniture, takes drugs and used to beat me badly due to the addiction of drugs, who did not give me any expenses. If I stopped him from taking drugs, he threatened to kill me and demanded a car and money as dowry and as per my husband's demand, I took Rs. 45000/- in cash from my paternal family and gave it to my husband. After which my husband's desire to ask for money increased. During the last 5 years, my in-laws' family beat me up and threw me out of the house and I am being sent back by my parental family through panchayats after requesting the culprits. I tried my best

to build my house, but my husband and in-laws did not change their attitude towards me and kept on with their dowry demands. On the night of 27-1-2023, my said husband Pritpal Singh, brother-in-law Gurjit Singh and sister-in-law Ranjit Kaur in connivance with each other forces and beat me badly, my husband caught hold me from my arms and my sister-in-law pulled my hair, I was thrown to the ground. My brother-in-law Gurjit Singh hit me in the stomach and in the jaw, which cracked my jaw and pushed me out of the house and threatened that until you bring the car from your parents, you will not be kept in home. I saved myself with great difficulty by begging them and asking them to fulfill the demands of the accused, and the next day on 28-1-2023 in the morning, the said accused beat me up, about which I told my parents on the phone. When my mother Daljit Kaur and brother Sukhwinder Singh came to my in-laws house, the accused abused my mother and brother and turned me out of the house along with the girl child alongwith them. My mother and my brother brought me with them. I made an application to the S.H.O. PS. Guruharsahai on that day, but no action was taken. My parental family admitted me to Civil Hospital Ferozepur, where the doctors medical examined me and my ML was issued (ML and x-ray report are attached). My statement was recorded in the police station by the police of Guruharsahai police station, but the police did not register the FIR. My jewelry gold, Isti Dhan is in the possession of the said persons, which is misappropriated by the accused and the accused are threatening to kill me and my family. That the relatives talked to the accused 2-3 times to settle the matter, but accused (my in-laws family) demanded a car etc as dowry and said

that if our demand is not fulfilled then we will keep Sukhdev Kaur with us. Hence it is requested that an FIR be registered against the said accused for demanding dowry, misappropriating dowry torturing me etc and justice be provided to me. I shall be very thankful. Sd/- Sukhdev kaur Wife of Pritpal Singh, D/o Nishan Singh, resident of Village Pala Chak (Chak Megha Mahatam), Tehsil Guruharsahai, Distt. Ferozepur."

Learned counsel for the petitioner inter alia submits that the petitioner was married to the complainant/respondent No.2 herein, on 16.11.2017 and one daughter was born out of the said wedlock, who is presently in the care and custody of the complainant/respondent No.2. Learned counsel submits that the petitioner has already filed a petition under Section 9 of the Hindu Marriage Act (Annexure P-3). It is submitted that the petitioner had initially filed a petition for grant of anticipatory bail (CRM-M-43064-2023), which, vide order dated 31.8.2023 was dismissed as withdrawn because, inadvertently, offence under Section 406 IPC could not have been mentioned in the petition. Learned counsel submits that the alleged incident in the present matter occurred on 27.1.2023; whereas the medical was conducted on 24.2.2023. Even as per the MLR (Annexure P-2) no serious injuries have been caused to the complainant. Learned counsel submits that the FIR has been registered almost six months thereafter i.e. on 10.6.2023 and that too on the basis of false and fabricated facts. Learned counsel submits that however the petitioner is ready to join the investigation and undertakes to cooperate in the investigation.

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.

At this stage, Mr. Lupil Gupta, Advocate has put in appearance on behalf of complainant/respondent No. 2 and filed his Power of Attorney, which is taken on record. Learned counsel for the complainant/respondent No.2 opposed the relief claimed by the petitioner by stating that the gold articles are yet to be recovered from the petitioner.

Adjourned to 08.12.2023.

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.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating 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/her from disclosing such facts to the Court or to any police officer ;*
- iii) 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 submits that in compliance of the aforesaid order, the petitioner has joined the investigation.

4. On instructions, learned counsel for the State assisted by learned counsel for the complainant submits that the matter pertains to matrimonial discord between the parties. He further submits that in terms of the order passed by this Court, reproduced above, though the petitioner has joined the investigation; and is co-operating with the investigating agency, but recovery of dowry articles is yet to be effected from him.
5. Learned counsel for the petitioner vehemently controverts the aforesaid joint submission of learned counsel for the State and learned counsel for the complainant and submits that recovery of all dowry articles has been effected from the petitioner.
6. I have heard learned counsel for the parties. Hon’ble the Supreme Court in “**Bimla Tiwari vs. State of Bihar and others**”, Law Finder Doc ID # **2110551**, has held that “*matter of grant of bail is not akin to money recovery proceedings*”.
7. In view of the above, the order dated 04.09.2023 granting interim bail to the petitioner is made **absolute**
8. Pending application(s) if any also stand(s) disposed of.

29.02.2024
Sunena

(Nidhi Gupta)
Judge

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