

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

213

CRM-M-63671-2023

Date of decision: April, 09 2024

PARWINDER SINGH

Versus

...Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pushpinder Kaushal, Advocate
for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Mr. Viney Saini, Advocate
for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.

seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
97	17.11.2023	Women, Mohali, District SAS Nagar	Under Sections 406, 498-A, 323 and 506 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 was initially registered under

Sections 406 and 498-A of IPC on the basis of a written complaint filed by

the complainant Bhupender Singh alleging therein that his daughter Rajvinder Kaur was married with the petitioner in September, 2017. At the time of engagement ceremony as well as marriage ceremony, the complainant had spent huge amount of money and several gold and diamond ornaments had been given to the petitioner and his family members as well as relatives apart from costly clothing. He alleged that the demand of given gold ornaments to the relatives of the petitioner and his family members had been raised just few days after the marriage. On further demand of the petitioner and his family members, the complainant also gave a fortuner vehicle to him after availing of facility from the bank. However, shortly after the marriage, the petitioner and his family members started harassing the daughter of the complainant on account of demand of more dowry and they made her life a virtual hell. Demand of cash for Rs. 25-30 lakhs was raised by them in the year 2020. When the complainant expressed inability to meet with this demand, his daughter was physically assaulted by the petitioner and his family members and therefore, he prayed for taking legal action against the culprits. After registration of FIR, investigation proceedings have been initiated. During the course of investigation, offences under Sections 323 and 506 of IPC have also been added.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. In fact, it was the daughter of the complainant who was guilty of committing wrong, illegal and unlawful acts and was also leading an adulterous life due to which petitioner was constrained to file a

divorce petition against her and the present FIR was a counter blast to the same. It is further submitted that he is ready to join the investigation as his custodial interrogation is not required and therefore prayer has been made for allowing the petition.

4. It is relevant to mention here that vide order dated 18.12.2023, the petitioner was directed to join the investigation. Simultaneously, both the parties were directed to join the Mediation proceedings for the purpose of amicable resolution of the dispute between them. However, as per the report received from the Mediation and Conciliation Centre, the matter could not be settled.

5. Learned State counsel has submitted that the petitioner has joined the investigation in this case on 22.12.2023. Learned counsel for the complainant has, however, submitted that recovery of several gold articles are yet to be effected from the petitioner and therefore, he has argued that his custodial interrogation is still required and he does not deserve to be granted concession of pre-arrest bail.

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

7. The petitioner has since joined the investigation. His custodial interrogation is not required. Though it is claimed that recovery of gold articles is to be effected from him but in view of well settled proposition of law to the effect that mere non recovery of some disputed dowry articles cannot by itself be a ground for denial of bail as has also been observed by

the Delhi High Court in case titled as ‘Jagdish Thakkar vs. State of Delhi’, 1992 (3) CCR 2764’ and in case titled as ‘Pooran Singh vs. State of Delhi’, 2022(1) RCR (Criminal) 503, I am inclined to hold that on the ground of non recovery only, the petitioner cannot be denied benefit of bail.

8. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 18.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

April, 09 2024
monika

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |