



113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63227-2024 (O&M)
DATE OF DECISION: 16.12.2024

DAVINDERJEET SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Harmanpreet Singh Sehgal, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, Sr. D.A.G., Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 of the 'Bharatiya Nagarik Suraksha Sanhita', 2023 for grant of anticipatory bail to the petitioner in case FIR No. 21, dated, 08.11.2024 registered at Women Police Station, District Bathinda, under Sections 498-A and 406 of the IPC.

2. Learned counsel for the petitioner *inter alia* contends that prior to the registration of the FIR, the complainant had submitted another complaint dated 28.06.2024 (Annexure P-3) whereby she did not lodge any allegations which have been now levelled in the present FIR.

2.1 It is further contended that the complainant is only interested in dissolution of the marriage which is evident from her statement recorded during the inquiry on 18.07.2024 (Annexure P-4). The petitioner is ready to rehabilitate the complainant and therefore, he has also filed a petition under Section 9 of the Hindu Marriage Act, 1955.



3. Notice of motion.

4. Having received advance copy of the petition, Mr. Davinder Bir Singh, Sr. D.A.G., Punjab, accepts notice on behalf of the respondent-State and has opposed the present petition and has also shown the investigation record.

5. I have heard learned counsel for the petitioner, the State counsel and perused the paper-book.

6. The petitioner is a young person of 27 years of age. During the course of arguments, the learned counsel for the petitioner has been suggested that the matter can be referred to the Mediation in case some *bona fide* is shown. However, counsel for the petitioner submits that he has no instructions in this regard.

7. A perusal of the FIR reveals that apart from being a matrimonial dispute, there are allegations that about ₹22,00,000/- was spent at the time of marriage which includes some bank transfers. The marriage was solemnized on 23.04.2023. As per the statement of the complainant, dated 18.07.2024 (Annexure P-4) recorded during the inquiry, the complainant has specifically stated that she was fed up from her husband who used to take drugs and give her beatings and she does not want to reside with the husband. She wants to take divorce from her husband regarding which she would file a separate petition.

8. As per the investigation record, dated 28.05.2024, shown by learned State counsel in Court today, the Toxicological Parameters of petitioner-Davenderjeet Singh were found positive for “Morphine” and for “Benzodiazepines”. The investigating officer has also collected the



photographs of injectables allegedly being taken by the petitioner. As per the investigating record shown in the Court, a sum of ₹8,00,000/- was even transferred in the account of the petitioner on 07.04.2024 through online transaction of Canara Bank.

9. Counsel for the State also informs that the investigating officer has also collected evidence that prior to the marriage, the father of the complainant had mortgaged 41 Kanals of land, for a sum of ₹13,00,000/- on 03.04.2023, i.e. immediately prior to the marriage, for bearing the expenses of the marriage.

10. Keeping in view the totality of the circumstances, especially in view of the fact that there are specific allegations of repeated physical assault to the wife under the use of intoxicating drugs, no ground is made out to grant the concession of anticipatory bail to the petitioner.

11. Consequently, the present petition stands dismissed.

12. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

DECEMBER 16, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No