



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(257)

CRM-M-8501-2023 (O&M)

Date of Decision: 20.8.2025

Ajay Pal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. K.S.Sidhu, Senior Advocate with
Mr. Praagbir Singh Dhindsa, Advocate and
Mr. Kartik Banal, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Mr. Lakshay Bector, Advocate for the complainant.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 438 read with Section 482 of Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No. 68 dated 25.5.2022, under Sections 498-A and 323 IPC, registered at Police Station Dugri, District Ludhiana.

2. The present FIR has been lodged on the statement made by the complainant. The relevant portion of the said statement reads as under:-

"I was married to Ajay Pal Singh son of Shri Rainvder Singh, resident of 92-J, Sarabha Nagar Nagar, Ludhiana, about 4 years back. I have one daughter from this wedlock; namely, xxx aged 3 years. I am a housewife. My husband is living with my in laws for the last six months in his Sarabha Nagar house and I am living in House No.36/245, Vikas Nagar, Ludhiana, which is two-storeyed house. I am living in upper portion of the house along with my daughter xxx and key of lower portion is with my husband, who occasionally come to this house. I have filed a case for maintenance and domestic violence against my husband in District Courts, Ludhiana, which is fixed for 13.7.2022. On 23.5.2022 my sister



Ramandeep Kaur telephoned me that she will come to my house along with her husband after collecting their children from tuition for cutting the cake of her marriage anniversary. On this I went to the kitchen to make arrangements for tea and refreshment and put the oil in small fry pan to heat up the oil. It was about 8.30 P.M. My husband came there. At that time my mother Jasmeet Kaur wife of Balwant Singh, resident of House No. 4182/B, Gobind Colony, Jamalpur, Ludhiana, who was standing in the bathroom near the kitchen, the door was closed because the AC was on. My husband came on the door of the kitchen and asked me to vacate the house to which I agreed and by turning my face started working in the kitchen. He started abusing me. He stated that he had come to settle the matter and stated that I have proud of my beauty and he will cause harm to it and started giving slaps to me. I got back as the hot mustard oil was in the fry pan. He threw it towards me, which fell on my left leg, stomach and right flank. When I cried, then my husband ran away. On hearing my voice and seeing the oil on my clothes my mother came there and brought me to bedroom and applied paste on the portion, where the oil had fallen. On 24.5.2022 my sister Ramandeep Kaur called at Helpline No.1097 and Police Personnels came to our house by arranging ambulance. My sister got and admitted in Civil Hospital, Ludhiana, where Doctors gave me treatment and recorded the MLR. On 24.5.2022 I got my statement recorded to ASI Sanjeev Kuar on police post SBS Nagar, Ludhiana. At that time I was little upset mentally, so I did not get my statement recorded properly. Now I have got recorded my statement in the presence of my family members, which I have heard and read and is correct. Action be taken.”

3. Learned senior counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case by his wife. There are no allegations of harassment for demand of dowry and no offence under Section 498-A IPC is made out. It is further submitted that a fry pan accidentally fell on the complainant while working in the kitchen, resulting into the alleged injuries on her person. However, in order to implicate the petitioner, she made a false statement to the police after consultation and due



deliberation with her family members. In fact, at the time of alleged incident, the petitioner was not present at the spot, rather he was present at his shop at Dholewal Chowk, Ludhiana, which is situated at a distance of 10 kilometers from the place of occurrence. The matter was investigated by the police, and the allegations levelled against the petitioner, were found to be false. Learned senior counsel further submits that earlier the matter between the petitioner and the complainant was compromised, however, subsequently, the complainant backed out from the said compromise.

4. Per contra, the learned State counsel opposes the present petition. Learned State counsel, while placing reliance on the status report, submits that the petitioner had thrown hot mustered oil towards the complainant, resulting into burn injuries upon her left leg, stomach and lower back. Furthermore, the MLR of the complainant was got conducted, wherein the doctor has opined four injuries on her person i.e. (i) blisters on left thigh, (ii) blisters on right lower abdomen, (iii) blisters on left knee, and (iv) redness present on left foot. Therefore, it is submitted that keeping in view the seriousness of allegations levelled against the petitioner, he is not entitled to the concession of anticipatory bail. Furthermore, it is the contention that the arguments raised by the learned senior counsel for the petitioner that the petitioner was not present at the spot when the alleged incident took place and that the petitioner was found innocent during investigation, have no force. The reason for stating so, is that, as per the status report, the enquiry report conducted by Incharge, PP. SBS Nagar (P.S. Dugri), wherein the petitioner was found innocent, was sent to ADCP-2 Ludhiana. Thereafter, ADCP-2, Ludhiana upon his finding that the petitioner



was found innocent mainly on the ground that his mobile phone location at the time of alleged incident was Durga Mata Super Store, Sarabha Nagar, however, the said location is very close to the place of occurrence, therefore, the ADCP-2 directed to conduct enquiry on the said aspect. Accordingly, the then SHO, P.S. Dugri, Ludhiana conducted the enquiry, wherein the petitioner was found to have committed the alleged offences.

5. Learned counsel for the complainant also opposes the present petition and submits that the marriage of the complainant was solemnized with the petitioner in February 2018 and from the said wedlock, a daughter was born on 15.12.2018. He further submits that the petitioner and his mother, upon coming to know that the complainant is going to deliver a daughter, started maltreating the complainant. The complainant was left unattended and her in-laws including the petitioner, did not provide any support to her. The complainant also developed post-pregnancy problems, however, her in-laws and the petitioner did not render any assistance to her, rather they started neglecting the complainant and the newly born daughter. It has also been argued that the In February 2021, the petitioner had also beaten the daughter with the bat. He has placed reliance on the photograph (Annexure R-1). Furthermore, on 23.5.2022, at about 8.30 P.M, the petitioner had thrown hot mustard oil upon the complainant, which resulted in burn injuries on the left leg, stomach and right flank of the complainant. Reliance has been placed on the photographs (Annexure R-3). It is pointed out that despite various sessions being held before the Mediation and Conciliation Centre of this Court, the petitioner has not tried to arrive at any consensus. This evasive conduct of the petitioner was similar in the DV proceedings initiated by the complainant, whereby he has been directed to be proceeded against ex parte. Further, the malafide intention of the petitioner,



learned counsel submits, can also be seen from the fact that regular bail was obtained by the petitioner from the learned trial court, by submitting that he had been granted the concession of anticipatory bail by this Court, whereas, in actuality only an interim protection against stay of the petitioner was granted for the sole purpose of exploring the possibility of mediation. Therefore, it is prayed that the present petition be dismissed.

6. Heard the rival submissions made by learned counsels for the parties.

7. Vide order dated 18.04.2023, it was specifically observed by this Court that though there was no merit in the present petition, however, only for the purpose of exploring the possibility of amicable solution and in the larger interest of justice, the arrest of the petitioner was stayed. Thereafter, vide order dated 12.01.2024, the matter was again sent to the Mediation and Conciliation Centre of this Court for exploring the possibility of amicable settlement, and the petitioner was directed to join investigation. However, since then the matter is pending for the purpose of mediation. Even on the last date of hearing, the time for mediation proceedings was extended. However, it has been contended by counsel for the complainant that it is only a ploy for delaying proceedings before this Court. Accordingly, this Court does not deem it appropriate to grant further extension of time for mediation proceedings.

8. The contention that since the petitioner has joined investigation, therefore, he must be granted the concession of anticipatory bail, is also not tenable, and comes in teeth of the latest judicial pronouncement passed by the Hon'ble Supreme Court passed in *X vs Arun Kumar CK, Criminal Appeal No.1834/2022*, whereby, it was held that, "...The first and foremost thing that the court hearing an anticipatory bail application should consider



is the *prima facie* case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

9. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, *inter alia*, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

10. In the present case, *prima facie* serious allegations have been levelled against the petitioner qua his throwing hot oil upon the complainant, resulting in burn injuries suffered by the complainant. The said injuries are duly corroborated with the medical evidence and the photographs (Annexure R-3). All the averments otherwise made herein are disputed questions of fact, the veracity of which shall be determined during the course of the trial.

11. Therefore, keeping in view of the above and the fact that accusation of harassment, maltreatment and throwing hot oil upon the complainant have been levelled against the petitioner, which could have caused further extreme damage to her, this Court is not inclined to grant the discretionary relief of anticipatory bail to petitioner in the present case, wherein custodial interrogation of the petitioner might be required to unearth the true dimension of the alleged occurrence.



12. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

August 20, 2025
Gurpreet Singh

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