

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:069606



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CRM-M-17007-2025
Date of decision:22.05.2025

Jaipreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.B.S. Dhillon, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. R.S. Rana, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed under Section Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.04, dated 21.01.2025, under Sections 318(4), 82(1), 61(2) of BNS, registered at Police Station Women, Ludhiana, District Police Commissionerate, Ludhiana.

2. The aforementioned FIR was registered on the basis of complaint submitted by complainant – Shubhpreet Kaur alleging therein that she was married with the present petitioner on 06.12.2009. Huge amount of money had been spent at the time of her marriage. She was tortured by her in-laws family on account of demand of dowry and was even tried to be molested by her father-in-law. A complaint was filed by her but her in-laws

had apologized and had taken her back to her matrimonial house. However, she was harassed again and FIR No.66, dated 02.07.2021 was got registered under Section 498-A IPC at Police Station Women Ludhiana. A compromise was also effected in that case. She alleged that in the month of October, 2020, the petitioner had physically assaulted her. She had reported the matter to the police to save herself and even in the presence of police officials, the petitioner and his family members had assaulted her. She further alleged that the petitioner in connivance with other accused, solemnized second marriage with one Pardeep Kaur on 15.03.2023 during subsistence of his marriage with the complainant. Therefore, she prayed for taking action in the matter. After registration of the FIR, investigation proceedings have been initiated and are under way. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 19.03.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is the complainant, who used to behave rudely with the petitioner and her family members and it was his family, who had assaulted the petitioner, due to which the petitioner was constrained to lodge FIR bearing No.295 dated 11.12.2022 against them at Police Station Division No.6, Ludhiana. The Court cannot take cognizance of offence under Section 82(2) of BNS and therefore, no case under this provision has been made out as against him. The provisions of offence of cheating are also not attracted. Neither any case for commission of offence punishable under Sections 316(2) and 85 of BNS has been made out. His custodial interrogation is not required. No recovery is to be effected from

him. He is ready to join investigation. With these broad submissions, it is urged that he deserves to be extended the benefit of pre-arrest bail.

4. Separate replies have been filed on behalf of the respondent/ State as well as complainant. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner. He subjected the complainant to cruelty on account of demand of dowry and had also cheated her and committed offence of criminal breach of trust. No exceptional or extraordinary circumstance for grant of pre-arrest bail is made out in favour of the petitioner. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties carefully.

6. The petitioner is alleged to have subjected the complainant to cruelty on account of demand of dowry. There are also allegations of cheating and committing offence of criminal breach of trust. Both these offences are, however, antithesis to each other and therefore, it is debatable question as to whether any case under this provision has been made out as against the petitioner or not. So far as the allegations that he has performed marriage with other female are concerned, it is also the question of debate as to whether in the absence of any complaint being lodged by the alleged second wife of the petitioner, a case for commission of this offence has been made out against the petitioner or not. Given the nature of allegations, custodial interrogation of the petitioner is not required. As such, in the opinion of this Court, a case is made out for extending benefit of pre-arrest

bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the learned trial Court within a period of ten days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(ii) he 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) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

22.05.2025

harjeet

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