

**CRM-M-47297-2024**

-1-

203

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

CRM-M-47297-2024

Date of Decision:-16.05.2025

Balwant Ram

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kuldeep Singh Siwach, Advocate for petitioner.

Mr. Japjot Singh, AAG, Punjab.

Mr. Kanish Jindal, Advocate for complainant.

AMARJOT BHATTI, J.

1. The petitioner – Balwant Ram has filed this petition under Section 482 Cr.P.C. for grant of anticipatory bail in FIR No.23 dated 07.04.2024, under Section 498-A, 406 of IPC, 1860, registered at Police Station Khanauri, District Sangrur.

2. As per facts of the case, complainant Sukhwinder Kaur filed written complaint alleging that her marriage was performed with Balwant Ram in the year 2021. Her parents had incurred huge amount on marriage beyond their capacity. Her husband Balwant Ram was unhappy with the dowry articles and he used to beat her in order to compel her to bring more dowry. The complainant requested that her father was unable to satisfy their further demand. Even then, there was no change in the behaviour of her husband. Out of this wedlock, she gave birth to a male child who is

**CRM-M-47297-2024****-2-**

being looked after by the complainant. She was again pregnant for 07 months. She tolerated the behaviour of her husband to save her marriage. On 17.08.2023, she was turned out of the matrimonial home by her husband Balwant Ram, father-in-law Shinderpal and mother-in-law Binder Kaur and since then, she is residing in her parental house. All her dowry articles are lying in her in-laws' house. Her husband did not make any effort to bring her back. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that all allegations levelled against him are false. The complainant left the matrimonial home with her free will on 18.08.2023 and also took away all her gold articles etc. with her. Matter was brought to the notice of police and the complainant and her family assured that she will be sent back in the matrimonial home on 01.10.2023. Thereafter, he also filed petition under Section 9 of Hindu Marriage Act (Annexure P-2). Present FIR has been lodged with false and frivolous allegations. No offence under Sections 406, 498-A of IPC is made out, since the allegations are general in nature. Parents of petitioner have been granted anticipatory bail vide order dated 11.09.2024 by learned trial Court which is Annexure P-3. Anticipatory bail application filed by petitioner was wrongly rejected by learned Additional Sessions Judge, Fast Track, Special Court, Sangrur vide order dated 11.09.2024 (Annexure P-4). During the course of arguments, learned counsel for petitioner denied the allegations levelled by complainant regarding performing second marriage and also denied the photographs placed on record by the counsel for respondent/complainant. Petitioner was granted interim bail vide order

**CRM-M-47297-2024****-3-**

dated 20.09.2024 and he has already joined the investigation. He is still ready to cooperate with the investigating agency. It is prayed that his anticipatory bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State assisted by learned counsel for complainant. It is pointed out that despite granted interim bail, the petitioner did not fully cooperate with the investigating agency. Only household articles were got recovered whereas not even a single gold ornament or silver ornament is recovered. Therefore, to complete the investigation and to recover the remaining dowry articles, custodial interrogation of petitioner is required.

Learned counsel for complainant further pointed out that present petitioner has totally ignored his wife and children. Elder son aged about 03 years of age and the daughter is about 01 year old. The complainant was continuously harassed for bringing less dowry and he along with his family members used to compel her to bring more dowry. She was turned out of the matrimonial home during her pregnancy. It is pointed out that present petitioner has performed second marriage without getting divorce from the complainant. In order to substantiate these arguments, learned counsel for complainant has placed on record 07 photographs downloaded from *Instagram* with another lady which are Annexures R-2 and R-2/1. In the light of this, petitioner is not entitled to the concession of anticipatory bail.

5. I have considered the arguments and have gone through the record carefully. It is matter of record that petitioner was granted interim bail and during this period, only household articles were got recovered. The



CRM-M-47297-2024

-4-

gold ornaments and silver ornaments were not handed over, which are yet to be recovered. Learned counsel representing State pointed out that custodial interrogation of petitioner is required to recover the said ornaments. In the case in hand, learned counsel for complainant has placed on record photographs of petitioner with another lady wearing wedding *chura* and some of the photographs of their bedroom are also annexed. The complainant alleged that petitioner has performed second marriage with another lady without taking divorce from her, whereas this fact is denied by the petitioner.

The aforesaid factual position also requires thorough investigation by the investigating agency. Considering the facts and circumstances of the present case, I do not find a fit case to grant anticipatory bail to the petitioner and his anticipatory bail petition is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

16.05.2025

*Sunil Devi***(AMARJOT BHATTI)**
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No