



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

318/2

CRM-M No.64238 of 2024
Date of decision: 15.01.2025

Mehtab Singh ... Petitioner
Vs.
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kuljit Singh Bal, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

Mr. Sidhant Vermani, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
147	13.09.2024	Cantonment, District Police Commissionerate Amritsar	315, 120-B and 34 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the complaint lodged by the complainant Devinder Singh on the allegations that he got married with the accused Sumeet Kaur on 24.11.2022. Their

2025:PHHC:005382



alliance had taken place through Shaadi.com App and the fact that Sumeet Kaur was previously married had been concealed by her family members and herself. The entire marriage expenses were borne by the complainant. Shortly, after the marriage, the behaviour of Sumeet Kaur had changed and she started insisting for divorce. The petitioner who is brother of Sumeet Kaur and her father, used to interfere in the matrimonial life of the complainant. Sumeet Kaur had become pregnant. In May 2023, the complainant had to go to Kuwait. He left his wife at her parental house. Even at that time, the petitioner and the co-accused had been putting tremendous pressure on him to take divorce from Sumeet Kaur. Even after his reaching Kuwait, pressure was exerted upon him to give divorce to Sumeet Kaur ultimately he agreed for the same. In exchange for the divorce, he had agreed to pay a sum of Rs.4 lakhs and paid an amount of Rs.50,000/- to Sumeet Kaur. It was agreed between them that six months after birth of their child, custody thereof would be handed over to the complainant. A written agreement was executed on 22.05.2023. The complainant thereafter received a call from his wife Sumeet Kaur that she had got the child in her womb aborted. She even sent pictures in this regard to him. The petitioner and co-accused edited screenshots of his messages just to show that the complainant had agreed for abortion. He was accused of not giving them the agreed money as per the compromise. While alleging that his wife in connivance with the

2025:PHHC:005382



petitioner and the co-accused had got the child in her womb aborted with the intention of preventing that child from being born and to harass the complainant, he prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 30.11.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact the complainant who was married with Sumeet Kaur sister of the petitioner on 24.11.2022 had started harassing and humiliating her over petty issues shortly after the marriage. She had conceived a child. Her pregnancy was confirmed on 06.01.2023. The complainant harassed Sumeet Kaur physically as well as emotionally and mentally. She was thrown out of her matrimonial house on 02.05.2023. A complaint was then lodged by her at Police Station Ganganagar. Due to extreme physical and mental strain, she had started bleeding. On consulting doctor, it was revealed that foetus in her womb had died. To save her life, a procedure was performed to medically terminating the pregnancy on 26.05.2023. The complainant still continued harassing her thereby compelling her to lodging of FIR bearing No.115 dated 09.11.2023 under Section 498-A of IPC. The application for grant of anticipatory bail as filed by the complainant had been

2025:PHHC:005382



dismissed. The allegations that the pregnancy of Sumeet Kaur was got terminated intentionally were false. Rather the same was terminated only to save the life of the co-accused Sumeet Kaur as the foetus in her womb was already declared to be dead. There were Whatsapp chats between the accused Sumeet Kaur and the complainant demonstrating that he himself had given consent for termination of pregnancy. The FIR was lodged after considerable delay for which no explanation has been offered. The custodial interrogation of the petitioner is not required. The allegations against him are even otherwise vague in nature. Infact, the FIR of this case is a counterblast to the FIR No.115 dated 09.11.2023 lodged by sister of the petitioner against the complainant under Section 498-A of IPC. He is ready to join the investigation. No recovery is to be effected from him. No purpose would be served by detaining him in custody. Therefore, it is urged that he deserves to be extended benefit of anticipatory bail.

4. Learned Senior Deputy Advocate General, Punjab assisted by learned counsel for the complainant, on the other hand, has vehemently argued that there are serious allegations against the petitioner. His custodial interrogation is required for conducting thorough investigation in the matter. No exceptional circumstance has been made out for granting benefit of anticipatory bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

2025:PHHC:005382



5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. As per the allegations, the petitioner who is brother-in-law of the complainant in connivance with his sister and father had got pregnancy of his her sister terminated with intent to prevent child in her womb for being born alive. Admittedly and evidently, the pregnancy of co-accused Sumeet Kaur was terminated as on 26.05.2023 whereas the FIR is shown to have been lodged after a delay of about one year and three and half months. No specific overt act has been attributed to the petitioner and the allegations are that he had connived with her sister i.e. accused Sumeet Kaur. A case under Section 498-A of IPC was already got registered by co-accused Sumeet Kaur as against the complainant. The plea that FIR of this case is a counterblast cannot be stated to be unfounded at this stage. Keeping in view the nature of the allegations that have been levelled against the petitioner and the above discussed facts, I am of the considered opinion that the custodial interrogation of the petitioner is not required and he deserves to be extended benefit of anticipatory bail. Accordingly, the petition is allowed and the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail on furnishing personal/surety bonds to

2025:PHHC:005382



his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.

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

15.01.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No