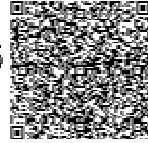


2025:PHHC:162225



CRM-M-64439-2025 -1-

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

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CRM-M-64439-2025
Date of Decision : 20.11.2025

INDERJEET

.... PETITIONER

V/S

STATE OF PUNJAB

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE KIRTI SINGH

Present: Mr.Sandeep Arora, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. The jurisdiction of this Court under Section 483 BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 54 dated 01.04.2020, under Section 498-A IPC, registered at Police Station Bhogpur, District Jalandhar Rural.

2. The translated version of the FIR is reproduced below:-

“Hon'ble S.S.P. Jalandhar Rural. Complaint against (1) Inderjit son of Barkat Masih, (2) Barkat Masih son of Bikar Masih (3) xxx wife of Barkat Masih (4) Ashok son of Barkam Masih (5) Harnek Masih son of Bikar Masih (6) xxx wife of Harnek Masih all residents of village Sarai Khas Tehsil and district Jalandhar (7) xxx wife of Shamon daughter of Barkat Masih resident of Model Town, district Jalandhar regarding the harassment of applicant, for giving beatings and abusing and having illicit relations with another woman in connivance with the other accused and threatening to kill the applicant and frame her in false canes and turning her out of the house, in this regard, I have already submitted an application to your



goodself which was marked by you to SHO Bhogpur and request to conduct the inquiry of the application from a gazetted officer or DSP rank officer. It is requested that 1, xxx, wife of Inderjit daughter of Santokh Raj, am resident of village Jallowal Tehsil, district Jalandhar and I do hereby request an under: 1. That my marriage took place with accused number 1 on 24.04.2017 and out of the said wedlock a daughter xxx was born to me on 23.0.2018. 2. That the above accused started harassing me on one pretext or the other after the marriage and started taunting me that you did not bring dowry as per their wish and demand in the marriage whereas I am a girl from a very poor family and my father died after the marriage. 3. That the whole family used to beat me and when I was about to have a child, they did not take care of me. The said accused gave beatings to me and turned me out of the matrimonial house while I was pregnant, so I came to my parents' house in three clothes. Where I gave birth to a girl child, the entire cost of whose birth was spent by my mother by doing work in houses, and even nobody from my in-laws came to see the daughter. My mother took panchayat to their house where they agreed to keep me and they kept me there only for two months. After two months, they started giving beatings to me again and said that they would let me stay here only if I bring Rs. one lakh from my mother. When I said that my mother is poor lady and cannot give me so much money, but still my in-laws keep on beating me. I told the whole story in the presence of my mother and the village sarpanch. My mother, with great difficulty, sold some jewelry and arranged for Rs 50,000/- and took me to my in-laws house. My mother handed over the said Rs 50,000/- to my mother in law, father in-law and my husband. But even then, the accused did not stop committing atrocities and kept on beating me. Then my husband demanded an Activa scooter, so I let go saying that my mother is no longer in a position to give me



money, but the accused again gave beatings to me and on February 26, 2019, he threw me and the small child out of the house in three clothes. So, after collecting Rs.100/ from the surroundings, I came to my mother's house Where now I am living with my daughter and my mother is bearing my and my daughter's expenses with difficulty and is fulfilling my and my child's needs. 4 That my husband xxx has brought another illegitimate woman in my in-laws house and is living with her openly. All the above accused are in collusion in this. The reason behind this is that when one of my daughters xxx was born, all the above accused started harassing me saying that you have stopped our lineage. There is illegal interference of accused number 5 to 6 in our house and they always create fights between us on some or the other matter in our house. Accused number 7 also often comes to my in-laws house and keep on inciting my husband against me. The said accused numbers 1,2,4,5 are addicted to drinking alcohol and abused me after drinking alcohol and my mother-in-law and aunt-in-law also gave abuses to me. The said accused number 1, with the advice and connivance of the other accused, has kept an illegitimate woman in his house and is living with her and is threatening me for divorce and openly the said accused speaks the same language that they will give divorce to me and will marry the accused number 1 with the said illegitimate woman xxx alias xxx. I am attaching the photograph of the illegitimate relationship with xxx. The said accused number 1 tried to strangle me several times while he was in drunker condition. My life and liberty is in danger from the said accused. If any untoward incident happens to me in future, then the above said accused persons will be responsible because the said accused are openly threatening me from phone numbers 62801-xxxxxx, 88720-xxxxxx on my phone number 98786-xxxxxx and they are openly giving threats that if I make a complaint to the police,



they will cause personal or financial loss to me or my brother. I had submitted a complaint to you regarding this, which you had sent to SHO Bhogpur for investigation, but SHO Bhogpur did not take any action on my complaint and the police of Bhogpur police station are harassing me in connivance with the accused. Therefore, I request you to get the above matter investigated from a Gazetted Officer or DSP Rank Officer and take necessary legal action against the above accused by registering a case under Sections 406, 498-A and 494 IPC and give me justice and protect my brother's life and liberty.”

3. Learned counsel for the petitioner *inter alia* submits that the marriage between the petitioner and the complainant was solemnized on 24.04.2017 and one daughter was born out of this wedlock on 23.08.2018. On account of matrimonial disputes, the abovesaid FIR was lodged against the petitioner, allegations leveled against whom are vague and omnibus. It is further submitted that initially, the petitioner was granted bail, however, on 15.05.2023 on account of the absence of the petitioner, which was neither willful nor intentional, but because of misunderstanding, he was declared as a proclaimed offender. Thereafter, the petitioner was taken into custody on 14.04.2025. It is submitted that the petitioner, a 31 year old man with clean antecedents, has already undergone an actual custody period of 07 months and 14 days

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody period



Anju, submits that in the present case, out of total 09 prosecution witnesses, 03 have been examined. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the charges stand framed. Out of total 09 prosecution witnesses, only 03 have been examined till date. The petitioner has undergone actual custody of 07 months and 14 days, and there is no other criminal case registered against him. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. No useful purpose shall be served by further detention of the accused-petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.***

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(i) The petitioner will not tamper with the evidence during the trial.

(ii) The petitioner will not pressurize/intimidate the



prosecution witness(s).

- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

20.11 2025
anju

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No