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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-63397-2024 (O&M)

Date of Decision: 15.05.2025

Sikander Singh

...Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ravi Malhotra, Advocate, for the petitioner.

Mr. Gurpartap Singh Bhullar, AAG, Punjab.

Mr. B.D. Sharma, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of BNSS for the grant of anticipatory bail to the petitioner in FIR No.113 dated 28.09.2024, under Sections 406 and 498-A IPC, registered at Police Station Women Cell, District Jalandhar.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner, who is the husband has been falsely implicated in the present case. He submitted that although there was a matrimonial dispute but the allegations contained in the FIR against the petitioner are false. He further submitted that when notice of motion was issued by this Court on 17.12.2024, the petitioner was directed to join the investigation and appear before the Investigating Officer and he has already joined the investigation and therefore, the order by which he was granted interim anticipatory bail



may be made absolute. He further submitted that on the basis of joint request made by the learned counsel for the petitioner and learned counsel for the complainant, the matter was sent to the Mediation and Conciliation Centre of this Court but the mediation has failed because no compromise could be arrived at between the parties.

3. On the other hand, learned State counsel submitted on instructions that although the petitioner has joined the investigation but he has not cooperated with the investigation process at all. He submitted that as per the allegations, neither any gold ornaments which were entrusted to the petitioner and his family members have been returned nor the other articles which were given as gift items were returned by the petitioner and there were also other allegations against the petitioner pertaining to some expensive items regarding which list was provided by the complainant to the police but none of the items was returned and rather there was a demand from the petitioner's side for a motorcycle and other things. He further submitted that due to non-cooperation of the petitioner in the investigation process, he is not entitled for the grant of anticipatory bail and therefore, his custodial interrogation is required in the present case.

4. Learned counsel appearing on behalf of the complainant submitted that expensive gifts including gold ornaments etc. were entrusted to the petitioner and his family members and the list of the same was also provided to the Investigating Officer but none of items has been returned back. He further submitted that as per the FIR, not only the petitioner and his family members were entrusted with the aforesaid *istridhan* but the petitioner had made a demand for a motorcycle and other articles. He also submitted that apart from the above, even as per the FIR itself the petitioner



who is the husband had given some medicine to the complainant-wife after which her health deteriorated and the child in her womb got aborted and still the complainant agreed to go for mediation process and both the learned counsel for the complainant and learned counsel for the petitioner had made a request to this Court on 09.01.2025 for sending the case to the Mediation and Conciliation Centre of this Court and at that point of time, the petitioner was already on interim anticipatory bail, which was granted to him on 17.12.2024.

5. He further submitted that when the matter was sent to the Mediation and Conciliation Centre of this Court, the petitioner appeared before the Mediation and Conciliation Centre only once and for a number of times the complainant had been appearing before the Mediation and Conciliation Centre but the petitioner deliberately did not appear before the Mediation and Conciliation Centre on the dates so mentioned and that was the reason as to why the mediation had failed. He referred to all the orders which have been passed by the Mediator which would show that the matter was first taken up by the Mediator on 27.01.2025, wherein the petitioner was absent and the complainant was present in person. Thereafter, on 11.02.2025, both the parties were present but the Mediator had adjourned the matter. Thereafter, on 28.02.2025, the petitioner was again absent and the complainant was present in person and the Mediator had observed that because of the absence of the petitioner effective mediation could not be held. Thereafter again on 20.03.2025, the petitioner was absent and the complainant was present in person. Thereafter on 23.04.2025, again the petitioner was absent and the complainant was present in person and it was so observed by the Mediator that in the absence of the petitioner on that date



as well as on previous dates, the effective mediation has not taken place and no settlement could be arrived at and therefore, it was so observed that the matter remained unsettled and it was sent back to this Court.

6. Learned counsel appearing on behalf of the complainant submitted that especially considering the conduct of the petitioner, whereby there was an interim order in his favour vide order dated 17.12.2024, on the request of learned counsel for the petitioner as well as the learned counsel for the complainant the matter was sent to the Mediation and Conciliation Centre of this Court but he wilfully absented himself from the proceedings of the Mediator and thereafter, because of his absence on all the dates except one date that the matter remain unsettled and the mediation failed.

7. I have heard the learned counsels for the parties.

8. It is a case where various allegations have been levelled in the FIR by the complainant against the petitioner and his family members. The FIR which has been so reproduced by the petitioner in the present petition is reproduced as under:-

“Reference of complaint bearing number 2386, dated; 9.7.2024, to Hon'ble commissioner of police, Jalandhar, complaint against: (1) Sikandar Singh (husband) son of Satnam (9878918809, 7986 5-09379), (2) Satnam Singh (father in-law), (3) Darshana (mother-in-law) wife of Satnam Singh (Mob;-9779485709), (4) Karandeep Singh (Jeth) 82849-16861, son of Satnam Singh, all residence of near Sita Ram Mandir, Pritam Nagar, Amritsar, (5) Palak (lover of accused no.1) mobile number 9814478363, 9517951806 care of shop number 66-67, provisional store, Chache Di Hatti, Idea market, Amritsar for harassing the complainant on account of dowry, giving beating, killing the child of applicant in



womb, for spoiling the married life of applicant and for developing relation by accused no.1 with accused no.5 and to deny the complainant to rehabilitate in matrimonial home and for extending threat to kill. Sir, it is humbly stated that.:- 1. That I am Santosh Kaur, wife of Sikandar Singh, daughter of Dilbahar Singh, resident of house number N-G-102, Mohalla, Kot Baba, Deep Singh, Sodal Road, Jalandhar and law-abiding citizen.2. That my marriage was solemnised with accused no.1 on dated 7.12.2022 as per Sikh rites and rituals at Guru Nanak marriage Palace, Jalandhar. I was two months pregnant from this marriage. That before marriage, accused no.1 to 4 had given false assurance that they will treat me like daughter, in matrimonial home and also provide all amenities. Before marriage, above said accused no. 1 to 4 had also assured that accused no. 1 earn sufficiently and will maintain house in good manner with me and family of accused is teetotaller and believer of God. Above said accused no.1to4, before few days of marriage, started demanding gold ornaments, and to Solemnised the marriage at marriage Palace. My parents, only for my respect, my parents gave gold ornaments to above accused, expensive clothes and cash Shagun to relatives. My parental family on the demand of above accused had given furniture, electronic items and utensils, etc., So that my in laws keep me happy. But after marriage, above said accused.no.1 to 4 kept all my gold ornaments and expensive items with them and did not give to me despite my repeated demand. 4. That after marriage, I shocked to see that family of above accused is not Teetotaller and accused no.1 is addicted. But I kept silent for the respect of my parents. After that above said accuse started harassing me on account of dowry and started demanding more dowry. My husband started



demanding motorcycle from me and he used to give me beatings. My mother in law and father-in-law, despite taking so many articles on marriage, and after marriage, started demanding new AC from me and started humiliating me.5. That my husband did not behave with me properly and even on the instigation of my mother-in-law and father-in-law and Devar, my in-laws family used to give me beating on trivial issue .6. That after marriage, when I was pregnant of 2 months, then accused.No.1 asked me that he will not keep this child and also refused to get my medical checkup. My husband gave me some medicine by saying that you will not feel dizziness, but after consuming that medicine, my child aborted in the abdomen and then due to high bleeding, my health became deteriorated and on this above, said accused no.1 to 4, with their common intention used to bring medicine themselves from some doctor and give me.7. That above said accused no.1, working in Karyana shop along with accused no.5 as salesman at shop number 66-67, provisional store, Chachi Di Hatti, idea market, at Amritsar and above accused kept on chatting with accused no. 5 on phone. Sometime accused No. 1 took accused. No. 5 away from house and when I talk to accused. No.5 then he clearly says that he don't like me, I have no interest in you now. 8. That above said [accused.no. 1](#) used to reside for many days together, and when I ask from the above, said accused no.1 extended threat to get out from his life, not even this, he has has been caught while talking on video call. With accused. No.5. Accused no.5 clearly told me on video call, he had sent the medicine through accused no.1 for aborting, the child and after giving that medicine accused no.1 had killed my child in the womb and above said accused no.5 also told me that accused no.1 and 5 have developed



physical relation and above said accused no.1 will oust me from the house, solemnised second marriage with her. Above said accused person with their common intention and to oust me from the house started harassing me a lot. My mother-in-law, father-in-law, and devar told me clearly that they have solemnised the marriage of accused no.1, only to receive dowry and heavy amount from us and in case my parental family failed to fulfil their demands, then they will not allow me to reside in the house. Then on date 23.05.2003 above said accused no.1 to 5 with connivance of each other, above said accused no.1 to 4 gave beating to me and ousted me from the matrimonial home. Since then I am residing at my parental home.9. That Respectable and my parental family with view to rehabilitate me at matrimonial home convened Panchayat with my in-laws family, and then above said accused no.1 gave in writing that he does not want to lead matrimonial life with me, whatever legal action you want to take you may do. Even above said accused extended threat to kill me also. Regarding this I had submitted complaint of above said matter already and enquiry of the same was marked to woman Police Station Jalandhar. That above said accused, during pendency of complaint, filed petition under section 9 of Hindu marriage act, for restitution of conjugal, rights. I requested to enquiry officer to take action on my complaint, but he told me that your husband has filed case against you in the honourable court and whatever you want to do, you may do in the court. I will not take any action. I try to talk with my in-laws family for rehabilitation but accused no.1 and 5 made call to me. From the number of accused. No.5 clearly extended threat that in case I tried to entered in Amritsar again, then above said accused no.5 will kill me, above said



accused person with connivance of each other, have spoiled my life and killed my child in the womb. My all the articles gold ornaments kept in their possession. They have committed cruelty with me a lot. and now extending threat to kill me in case I came in matrimonial home at Amritsar. It is requested to you that enquiry of above said matter B got conducted from senior officer and strict legal action be taken against accused persons after registration of FIR, and Applicant and his parental family be protected from the hands of above said accused and justice done to me. I will be thankful to you, complainant Santosh Kaur, wife of Sikandar Singh, daughter of Shri Dilbahar Singh, resident of house number N.G - 102, Mohalla, Kot, Baba Deep Singh, Sodal Road, Jalandhar Jalandhar Mobile number 9780 602612.

9. The allegations in the FIR are not only pertaining to the demand of dowry but also pertaining to giving beating to the complainant and killing of the child by administering a medicine which resulted in abortion of fetus. Other allegations of demand of motorcycle, AC and other articles were also made. When the petitioner filed a petition before this Court then on 17.12.2024, he was granted interim anticipatory bail subject to his joining the investigation. Thereafter, as per the learned State counsel, he once joined the investigation process but he did not cooperate with the investigation process at all. Learned State counsel stated that the complainant has supplied a list of *Istridhan* and other gold items which the petitioner has not returned except for some household articles.

10. This Court is of the considered view that although it is a settled law that non-return of gold items itself cannot become a ground for denial of



bail because those are based upon the allegations but the facts and circumstances of each and every case is to be seen on its own merits. In the present case, although non-return of gold items itself will not become a ground for denial of bail but the facts and circumstances of the present case suggest that the petitioner was granted interim anticipatory bail on 17.12.2024 and thereafter, on the request of learned counsel for the petitioner as well as the learned counsel for the complainant on 09.01.2025, the matter was sent to the Mediation and Conciliation Centre of this Court and thereafter, a report of the Mediator has also been perused by this Court which shows that the petitioner did not care to appear before the Mediator at all except for only one date on which the matter was adjourned by the Mediator and as a result of the same, the Mediator had no option but to send the case back to the present Court and in this way, the interim anticipatory bail granted to the petitioner also remained extended. The orders passed by the Mediator would also show that on every date the complainant-wife had remained present in person.

11. Therefore, considering the aforesaid conduct of the petitioner that after having requested this Court to refer the matter of the Mediation and Conciliation Centre of this Court, he himself failed to appear before the Mediator for a number of dates itself would disentitle the petitioner for grant of anticipatory bail.

12. In view of the aforesaid facts and circumstances, this Court is of the considered view that the petitioner is not entitled for the grant of anticipatory bail.

13. Consequently, the present petition is dismissed.

14. Interim order dated 17.12.2024 stands vacated.



15. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

15.05.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No