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**“petitioner-husband Is Praying for Grant of Anticipatory Bail in Case Fir Vs. State of Punjab and anr.**

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**SooperKanoon Citation : [sooperkanoon.com/1137186](http://sooperkanoon.com/1137186)**

**Court : Punjab and Haryana**

**Decided On : Apr-04-2014**

**Appellant :** “petitioner-husband Is Praying for Grant of Anticipatory Bail in Case Fir

**Respondent :** State of Punjab and anr.

**Judgement :**

CRM No.M-6 of 2014 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM No.M-6 of 2014 Date of Decision:

4. 4.2014 Mohit Kaila ...Petitioner Versus State of Punjab & Anr. ...Respondents  
CORAM: HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR Present:  
Mr.Lovkesh Gupta, Advocate for the petitioner. Ms.Amarjit Kaur Khurana, Addl.  
AG, Punjab for the respondent-State. Mr.O.P.Hoshiarpuri Advocate for respondent  
No.2. Mehinder Singh Sullar, J.

(Oral) Petitioner Mohit Kaila son of Avinash Chand Kaila has preferred the instant petition for the grant of anticipatory bail in a case registered against him, by virtue of FIR No.100 dated 25.11.2013 (Annexure P3), on accusation of having committed the offences punishable under Sections 406 and 498-A IPC by the police of Police Station Women Cell, Jalandhar, invoking the provisions of section 438 Cr.PC.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. As is evident from the record that the marriage of Geetika, daughter of complainant Kailash Nath Chugh, was solemnized with the Arvind Kumar Sharma 2014.04.11 11:47 I attest to the accuracy and integrity of this document Chandigarh CRM No.M-6 of 2014 2 petitioner on 17.11.2010 according to Hindu rites & ceremonies. The marriage was stated to be a simple marriage. After few days of the marriage, the petitioner went to Germany, whereas Geetika went back to United Kingdom. According to the petitioner, thereafter, the complainant started undue interference in their matrimonial home. He moved a false complaint against the petitioner and his parents u/ss 406 and 498-A IPC. The matter was thoroughly investigated and the police came to a definite conclusion that neither any cruelty has been committed by the petitioner nor there is any demand of dowry in India. The allegations contained in the first complaint were found to be false by the police, vide report dated 14.8.2013 (Annexure P4). Again, the complainant has filed the present case against the petitioner on the same very allegations. Not only that, the parties have already settled their matrimonial dispute in United Kingdom. Once the parties have settled in foreign country, no offence was committed in India and first complaint filed by the complainant was found to be false by the police, by means of report (Annexure P4), in that eventuality, the complainant appears to have filed the second complaint against the petitioner on the similar allegations, in order to wreak vengeance.

5. Moreover, during the course of preliminary hearing, a Coordinate Bench of this Court (Jaswant Singh, J.) passed the following order on 2.1.2014:- Petitioner-husband is praying for grant of anticipatory bail in case FIR No.100 dated 25.11.2013 under Sections 406/498-A IPC registered at Police Station Women Cell, Jalandhar. It is contended that the allegations relate to the period, when both the petitioner and the wife (daughter of the complainant), were residents of United Kingdom. The wife is stated to be still resident of England and has filed the

present FIR through her father. It is submitted that the petitioner is ready and willing to return all the dowry articles besides for an amicable settlement. Arvind Kumar Sharma 2014.04.11 11:47 I attest to the accuracy and integrity of this document Chandigarh CRM No.M-6 of 2014 3 Notice of motion for 25.3.2014. In the event of arrest, the petitioner shall be released on bail to the satisfaction of the Arresting/Investigating Officer. Petitioner shall appear before the I.O. as and when called upon for investigation and shall also be bound by all the conditions as contained in Section 438 (2) Cr.PC.. 6. At the very outset, the learned State counsel, on instructions from ASI Hardev Singh, has acknowledged the factual matrix and stated that the petitioner has already joined the investigation & he is no longer required for further interrogation at this stage. There is no history of his previous involvement in any other criminal case. Since, all the offences alleged against the accused are triable by the Court of Magistrate, so, the conclusion of trial will naturally take a long time.

7. In the light of aforesaid reasons, taking into consideration the totality of the facts & circumstances, emanating from the record, as depicted here-in-before and without commenting further anything on merits lest it may prejudice the case of either side during the course of trial of main case, the instant petition is hereby accepted and the indicated interim order dated 2.1.2014 is made absolute, subject to compliance of conditions as envisaged under section 438(2) Cr.PC.

8. Needless to mention that nothing observed here-in-above, would reflect on the merits of the main case, in any manner, during the trial as the same has been so recorded for the limited purpose of deciding the present petition for anticipatory bail. At the same time, if the petitioner does not cooperate or join the investigation, the prosecution/complainant would be at liberty to move an application for cancellation of his bail, in this relevant behalf. Sd/- 4.4.2014 (Mehinder Singh Sullar) AS Arvind Kumar Sharma Judge 2014.04.11 11:47 I attest to the accuracy and integrity of this document Chandigarh CRM No.M-6 of 2014 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM No.M-6 of 2014  
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