

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-13149 of 2015
Date of decision:27.04.2015

Rajinder Kumar

.....Petitioner(s)

Versus

State of Punjab & anr.

.....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH

* * *

Present: Mr. Karanjit Singh, Advocate for the petitioner(s).

DARSHAN SINGH, J.

The present petition has been filed under Section 438 Cr.P.C for pre-arrest bail in case FIR No.51 dated 20.3.2015 under Section 498-A of Indian Penal Code (hereinafter referred to as 'the IPC).

As per the prosecution allegations, respondent No.2 Gobind Rani has moved a complaint against the present petitioner and his family members alleging therein that accused Rajinder Kumar allured her to perform marriage with him and took her to Chandigarh. They stayed at Sector-21, Chandigarh as paying guest. Accused committed rape upon her and thereafter, ran away. She lodged FIR No.241 dated 22.12.2014 at Police Station Sector-19, Chandigarh. After that a compromise was effected and they performed marriage on 26.8.2014. Her parents gave sufficient 'Istridhan' to her. It is alleged that after the marriage, the petitioner started picking up quarrel with her and forced her to bring more money. He used to beat her. His parents also started taunting her. Her brother-in-law asked her to bring Scorpio car from her parents.

Thereafter, she was turned out from the matrimonial house.

On these allegations, the present case has been registered. The application of the petitioner for grant of anticipatory bail has been dismissed by the learned Additional Sessions Judge, Fazilka. Hence, this petition.

Learned counsel for the petitioner contended that the complainant is a lady of loose character. After the marriage with the petitioner she has got registered a case bearing FIR No.198 dated 23.12.2014 under Sections 376 and 506, Police Station Mataur, District SAS Nagar Mohali against one Ajit Kumar Panwar. He contended that within a short span she has got registered three criminal cases. He further contended that the version of the complainant that she was harassed and tortured for demand of dowry is not believable. The petitioner is ready to join the investigation and deserves the concession of anticipatory bail.

The aforesaid contentions have been duly considered.

The petitioner is the husband of the complainant. As per the prosecution allegations, earlier the petitioner had allured the complainant, brought her to Chandigarh, committed rape upon her, when the complainant got the case registered the compromise was effected and the petitioner solemnised marriage with her. There are categorical allegations that after the marriage she was maltreated by the petitioner for the demand of dowry and was turned out from the matrimonial house.

The fact that after the marriage the complainant has got registered another case against Ajit Kumar Panwar under Sections 376 and 506 IPC is no ground to conclude that she is a lady of loose character and is in the habit of getting the false cases registered. It cannot be commented in these proceedings that the subsequent rape case got

registered by her is based on the false version. It is a matter of trial in that case.

The concession of anticipatory bail is an extra ordinary privilege and can be granted only in exceptional cases. In the instant case, the petitioner, who is a husband of the complainant, has not been able to make out such a case.

Thus, the present petition has no merits and the same is hereby dismissed.

April 27, 2015
ps

(DARSHAN SINGH)
JUDGE