

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-13371 of 2015.

Date of Decision: May 15, 2015.

Anil Kumar Rathee

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Ms. Mahima, Aassistant Advocate General, Haryana.

Mr. P.S. Punia, Advocate for the complainant.

SNEH PRASHAR, J.

This petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") was filed by petitioner for grant of anticipatory bail in case First Information Report No.11 dated 07.01.2015 under Sections 498-A, 406, 354-A, 323, 344, 506 and 377 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Jhajjar.

This case was registered on a complaint given by Sanju Rani daughter of Sukh Pal. Her allegations were that she was married to Lieutenant Anil Kumar Rathee (petitioner) on 07.03.2011. After marriage,

she was harassed and maltreated by her husband, mother-in-law Savitri, brothers-in-law Saurav and Shashank, sister-in-law Neelam and maternal uncle of her husband Ranbir Singh as they were not satisfied with the dowry articles given by her father. They demanded additional dowry in the form of jewellery and a Honda City car etc. She was physically assaulted as she was unable to fulfill the demands. While her husband was away on duty, her brothers-in-law at different times committed obscene acts with her and tried to develop illicit relations with her. Also, her husband without her consent developed unnatural sexual relations with her and several times committed wrongful acts with her without her consent.

Separate application for anticipatory bail was filed by the petitioner and his family members named in the First Information Report. Vide order dated 04.03.2015, learned Sessions Judge allowed concession of anticipatory bail to Smt. Savitri (mother-in-law), Neelam (sister-in-law) and Ranbir Singh (maternal uncle). The applications on behalf of the petitioner and his brother Saurav and Shashank were dismissed.

Heard the submissions made by Mr. Rakesh Nehra, learned counsel representing the petitioner, Ms. Mahima, Assistant Advocate General, representing the State of Haryana and Mr. P.S. Punia, learned counsel representing the complainant.

Learned counsel for the petitioner argued that the story of the complainant of demand of dowry and her harassment on that count was completely false. The petitioner is serving in Navy and the complainant had accompanied him to his place of posting a number of times after their

marriage. As they could not adjust with each other, the petitioner filed a petition for divorce in the Court of District Judge, Rohtak. As a counter blast to the said petition the complainant got the instant case registered levelling false allegations of ill treatment and demand of dowry. As regards, recovery of dowry articles, learned counsel contended that the house of the petitioner was open and anything which the complainant felt was hers could be taken by her. Alleging that for no purpose custodial interrogation of the petitioner is required, learned counsel prayed that he be enlarged on anticipatory bail.

The petition was opposed by learned Assistant Advocate General, representing the State of Haryana and learned counsel representing the complainant. They submitted that the petitioner had not been cooperating during investigation. Not a single dowry article could be recovered so far.

Apparently, it was the allegation of the complainant that she was being treated with utmost cruelty by the petitioner during her stay with him. She mentioned in her complaint the occasions on which she accompanied her husband at the place of his posting, but reiterated that she was abused, beaten, punished and locked in room by him for no fault on her part. Prima-facie the allegations are even more serious as the complainant stated that her husband developed unnatural sexual relations with her and repeatedly committed wrongful acts without her consent. Also the allegation is that the petitioner demanded a Honda City car from the complainant.

In view of intensity of the allegations and the fact that recovery of dowry articles is yet to be made and least any expression above may prejudice the case of either side, in my considered opinion, no case for release of the petitioner on bail is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

May 15, 2015
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