

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM NO. M-13658 of 2015
DECIDED ON : May 15, 2015

Rajesh Kumar

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Angel Sharma, Advocate with
Ms. Shivangi Sharma, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Vinod Kumar, Advocate
for respondent No.2.

JASPAL SINGH, J. (ORAL)

Instant petition has been filed under Section 438 Cr.P.C seeking pre arrest bail to the petitioner in case FIR No. 17 dated March 07, 2015 under Sections 498-A, 406, 354 and 506 IPC, registered at Police Station Talwara Mushraferi, District Hoshiarpur.

2. Instant case has been registered on the basis of complaint lodged by wife of petitioner unfolding that her marriage was solemnized with the petitioner on November 10, 2012 and at that time, huge dowry was given. However, neither petitioner nor his family members were satisfied with the dowry and put forth a demand of Bolero vehicle, washing machine etc as well as cash amount of ₹3,00,000/-. When she refused,

petitioner as well as his other family members started harassing, maltreating and taunting her. Even, co-accused of the petitioner namely Ashok Kumar also tried to outrage her modesty on April 02, 2014. Ultimately, she was thrown out of her matrimonial home after giving severe beatings. The allegations levelled in the complaint to the police by complainant was enquired into and it was only thereafter, case was registered and investigation was put into motion.

3. Learned counsel for petitioner contended that instant FIR is a counter blast of FIR No. 17 dated December 11, 2014 got registered against the complainant under Section 306 IPC at Police Station Gagret, District Una i.e. with regard to commission of suicide by mother of petitioner. Mother of petitioner took an extreme step to end her life due to consistent abuses and threats extended by complainant and to accede her illegal demands. Subsequently, complainant succeeded in getting the instant case registered while levelling false allegations. In fact, marriage of the petitioner with complainant was simple one. Neither she was harassed nor maltreated at any point of time after marriage nor any demand of any article or cash amount was ever raised. She is a quarrelsome lady and has polluted the entire atmosphere of matrimonial home. Petitioner is ready to join the investigation, in case, he is granted the concession of pre arrest bail. He shall also abide all the terms and conditions imposed by this Court.

4. On the other hand, learned State counsel as well as learned counsel for respondent No.2/complainant have strongly opposed the instant petition. Moreover, petitioner is a custodian of dowry articles and

also put forth a demand of dowry as well Bolero and cash amount and caused harassment, that too, in connivance with his other family members. His custodial interrogation is required.

5. This Court has given an anxious thought to the rival submissions made by learned counsel for parties and have perused the record available on file.

6. It is an undisputed fact that marriage of petitioner was solemnized with complainant in the month of November, 2012 and immediately, after the marriage, relations between the parties became strained. Petitioner being husband of complainant could disclose during interrogation as to what was the real cause of matrimonial discord. He has also been instrumental in causing harassment, maltreatment etc to the complainant. As far as, registration of FIR under Section 306 IPC on account of commission of suicide by mother of petitioner against complainant is concerned, at this stage, no opinion can be expressed. However, investigation of this case is still under progress and all ramifications can be unearthed after the custodian interrogation of petitioner. Even, dowry articles are still to be recovered, which is only possible through custodial interrogation of petitioner.

7. So, taking into consideration all the above-referred facts, this court does not deem it a fit case for granting the concession of pre-arrest bail to the petitioner. Accordingly, instant petition is dismissed.

May 15, 2015
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(JASPAL SINGH)
JUDGE