

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-18885 of 2015

Date of Decision: November 19, 2015

Mandeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. K.S. Chahal, Advocate
for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

Mr. S.N. Aneja, Advocate
for the complainant.

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M.M.S. BEDI, J.

Petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Gurpreet Kaur, his wife alleging that she was married to the petitioner on December 16, 2012. Initially it was intimated that the petitioner and his family members did not want any dowry or shagun but later on it was insisted that the family members and relations of the petitioner should be honoured with cold drinks and a decorated marriage

should be arranged with the serving of liquor and non-veg. A large number of gold articles had been handed over at different ceremonies to the petitioner and his family members. All the house-hold articles including furniture, LED TV, Washing Machine, Utensils, Electronic items like AC, Refrigerator etc. were handed over. Five lacs dollars equal to Rs.3 crore was demanded as expenses for sending the petitioner to Canada.

Learned counsel for the petitioner has vehemently contended that the petitioner has already joined investigation and that he is posted in Air Force. He is ready to stay with the complainant but on account of arrogance on the part of the complainant she has refused to join the company of the petitioner.

Matter was referred to the Mediation and Conciliation Centre of Punjab and Haryana High Court. Parties were not able to agree to resume cohabitation or to part company on any terms as such the petition has been taken up for arguments on merits.

Counsel for the petitioner has vehemently contended that all the dowry articles have already been returned. The entire gold articles more than the claim of the complainant have been returned. It is not a case of custodial interrogation, petitioner having already joined investigation.

On the other hand, counsel for the State as well as complainant assisted by counsel has intervened to oppose the petition for grant of pre-arrest bail on the ground that a large number of dowry articles and jewellery are yet to be recovered and that the complainant has been shabbily treated.

I have considered the contentions of learned counsel for the petitioner and carefully gone through the record. There is a serious controversy regarding the gold articles which are yet to be recovered. The complainant wife has been compelled to stay away from the petitioner whereas a presumption can be drawn that no female would leave her matrimonial home unless and until she is compelled by the intolerable behaviour of her husband and family members. A lady, when forced to stay away from her husband, it would raise a presumption that she has not been fairly treated.

In view of the elements of cruelty having been established and the fact that gold articles are yet to be recovered, I do not find any ground to grant the concession of pre-arrest bail to the petitioner. The circumstances raised by counsel for the petitioner may constitute a good ground for grant of regular bail but no extraordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner.

Dismissed.

November 19, 2015
sanjay

(M.M.S.BEDI)
JUDGE