

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-20362 of 2015 (O&M)

Date of decision: 01st October, 2015

Sunny Aggarwal

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Gourav Jain, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab,
for the respondent(s)-State.

Mr. Kehar Singh Hissowal, Advocate,
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has preferred this petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.34 dated 09.05.2014, registered at Police Station Baretta, District Mansa, under Sections 498-A and 406 IPC.

Notice of motion was issued.

Learned State counsel as well as learned counsel for respondent No.2-complainant appeared and contested this petition. They contended that all the dowry articles are with the petitioner and only an almirah has been recovered.

I have heard learned counsel for petitioner, learned State counsel as well as learned counsel for respondent No.2-complainant and have gone through the record.

From the record, I find that though, the petitioner has joined the investigation but he has not cooperated and has not got

recovered the dowry articles, as argued by learned State counsel. As he is the husband of the complainant; the main allegations are against him and the dowry articles are still in his possession therefore, he is required for custodial interrogation.

Learned counsel for the petitioner has cited **2014 (8) RCR (Criminal) 1861 titled as Rajiv and others versus State of Punjab; 2014 (2) RCR (Criminal) 109 titled as Bhupinder Singh etc. versus State of Punjab and 1992(3) CCR 2764 titled as Jagdish Thakkar versus State of Delhi.**

I have gone through the aforesaid citations.

In **Rajiv's case (supra)**, the petitioners were brother-in-law and sister-in-law of the complainant, which is not the case in hand, therefore, this citation, having distinguished facts, will not apply in the present case.

In **Bhupinder Singh's case (supra)**, the parents-in-law were seeking anticipatory bail whereas in the present case, the husband is asking for anticipatory bail, therefore, this citation also, having distinguished facts, will not apply in the present case.

The **Jagdish Thakkar's case (Supra)** also, having distinguished facts, will not apply in the present case.

From the aforesaid discussion, I do not find any ground to grant anticipatory bail to the petitioner.

Accordingly, the instant petition stands dismissed.

01st October, 2015
mamta

(INDERJIT SINGH)
JUDGE