

CRM No. M-21196 of 2015  
DECIDED ON: JULY 06, 2015

DEEPAK KUMAR PATEL

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

Present: Mr. Saurabh Bhardwaj, Advocate  
for the petitioner.

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JASPAL SINGH, J (ORAL)

Instant petition has been preferred by Deepak Kumar Patel seeking pre arrest bail in case FIR No. 45 dated 12. 02.2015 under Sections 406, 498-A, 506 and 120-B IPC registered at Police Station Kurukshetra University, Kurukshetra.

2. Briefly stated the case of prosecution runs as under:

“Complainant, Raj Kumari, got married with Deepak Kumar Patel a resident of Debansa Pure Muheebshah Post Office Badgaon, P.S. Sangrampur, District Amethi (UP) on 22.05.2005 according to Hindu Rites and Ceremonies. No child was born from this wedlock. She alleged mal-treatment, harassment and torture at the hands of her husband petitioner for demand of dowry in the shape of one lac rupees cash, gold chain (weighing two tolas) and her father gave ₹40,000/- against this demand and also for not giving birth to a child and threat

was extended by in-laws that they would arrange second marriage of Deepak Kumar Patel. Her husband is statedly having illicit relations with one lady namely Manorma Devi and she is residing in her in-laws house and when she objected, she was given beatings and turned out her from her matrimonial house by her in-laws. At present, she is residing in her parental house”.

3. The contention of learned counsel for the petitioner is that petitioner has been falsely implicated in the instant case and allegations are totally false and fabricated as complainant does not want to live in her matrimonial home with petitioner and intends to reside in city Kurukshetra. Whenever, she went to village i.e. her matrimonial home she only stayed for a few days and she used to return from village by saying that it is very difficult for her to stay in village. Moreover, there are no specific allegations against petitioner. Co-accused of the petitioner have already been granted the concession of pre-arrest bail by learned Sessions Judge, Kurukshetra. Even otherwise, neither any demand of dowry was raised by petitioner nor he ever treated the complainant with cruelty or harassment. She was also never given beatings by him and there is also no medical evidence to corroborate any such allegations levelled by complainant against him. Moreover, if all the allegations contained in FIR are taken into consideration to be correct for the sake of arguments even then no offence under Section 406 and 498-A IPC is made out.

4. It has further been contended by learned counsel for petitioner that it is well settled that arrest brings humiliation, curtails freedom and cast scars forever. Arrest is nothing but a novel device or a tool to cause harassment and oppression. Petitioner is husband of complainant who has otherwise nicely treated

her since his marriage with her. He is also ready to join investigation and shall abide by all terms and conditions imposed by this Court in case he is granted the concession of pre-arrest bail.

5. This Court has given an anxious thought to the contentions raised by learned counsel for the petitioner and have perused the record available on file.

6. There are serious and specific allegations against petitioner that after marriage with complainant, he caused torture, harassment and humiliation to complainant on account of bringing insufficient dowry. He also raised demand of dowry and in pursuance of which father of complainant gave a sum of ₹40,000/- but even then petitioner did not desist from causing harassment to complainant. Ultimately, by narrating the tale of her wound she got registered instant FIR. No doubt other family members of petitioner have already been granted the concession of pre-arrest bail but petitioner being husband of complainant cannot be termed to be on same footings. In fact, during investigation it has been emerged that petitioner has developed illicit relations with one lady namely Manorma Devi, at present who is residing with petitioner and when complainant raised an objection in this regard, she was maltreated and was ultimately turned out of matrimonial home by petitioner as well as other family members. It is also an undisputed fact that complainant is residing at mercy of her parents after she was thrown out of her matrimonial home. It is a matter of common knowledge that a wife cannot tolerate the keeping of another lady by her husband that too, in matrimonial home and there are specific allegations that a lady namely Manorma Devi is being kept by petitioner in her matrimonial home and that also can be termed to be one of the root cause of matrimonial discord.

7. Thus keeping in view the nature of accusation as well as other various factors narrated above, this Court does not deem it a fit case to extend the concession of pre-arrest bail to petitioner.

8. Accordingly, instant petition stands dismissed.

**JULY 06, 2015**  
SHAM

**(JASPAL SINGH)**  
**JUDGE**