

CRM-M-23472-2014 (O&M)

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

Decided on: January 30, 2015.

CRM-M-23472-2014 (O&M).

Gaurav Gupta

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

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

**PRESENT Mr.S.K.Panwar, Advocate,
for the petitioner.**

Mr.M.S.Sidhu, Addl. A.G., Haryana.

**Mr.Ritesh Khatri, Advocate,
for the complainant.**

M.M.S. BEDI, J (ORAL)

Both the petitioner and the complainant are present in the Court. There does not appear to be any scope for reunion. The complainant has offered to allow visitation rights to the petitioner in the event of annulment of marriage on payment of lump sum compensation which is required to bear the responsibility of bringing up the child as a single parent. The petitioner present in the Court has expressed inability to pay any amount irrespective of the steps taken for bringing about reconciliation by Mediator.

I have taken up the adjudication of the matter on merits.

As per the allegations in the FIR, the complainant

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Nupur had married the petitioner on 12.3.2011. There are serious allegations of demand of Car and taunts by the petitioner for bringing less dowry immediately after marriage. She was beaten up and threatened. Despite a sum of Rs.1 lac having been given the torture continued. The medical problem of the petitioner though known to the petitioner and his family members was not intentionally disclosed to the complainant after marriage.

Counsel for the petitioner submits that the allegations of demand of dowry and cruelty are concocted merely to get rid of the petitioner and to harass him and his family members.

Counsel for the complainant, on the other hand, submits that the petitioner had been turned out of the matrimonial home on account of demands having not been met.

It has been contended on behalf of the complainant that the gold articles constituting stridhan of the complainant have been retained by the petitioner and his family members. No doubt the petitioner on account of his ailment deserves compassion but at the same time it cannot be ignored that there are serious allegations of domestic violence against the petitioner regarding which the complainant had been repeatedly sending complaints to the police. Her certificates and other articles are yet to be recovered. The circumstances may warrant grant of regular bail but I do not find any extra ordinary exceptional circumstances existing for the grant of pre-arrest bail to the petitioner.

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The petition is dismissed. It will be open to the petitioner to surrender before the Illaqua Magistrate or the investigating officer and seek relief under Section 439 Cr.P.C.

January 30, 2015.
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(M.M.S. BEDI)
JUDGE