

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

**Criminal Misc.No.M-24361 of 2015**

**Date of Decision: August 27, 2015**

Sushil Kumar

...Petitioner

Versus

The State of Chandigarh & Anr.

...Respondents

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr.Ajay Mehra, Advocate,  
for the petitioner.

Mr.G.S.Chahal, Addl.PP, UT, Chandigarh.

Mr.Anuj Kumar Sharma, Advocate,  
for the informant.

**Naresh Kumar Sanghi, J.**(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Sushil Kumar, who has been booked for having committed the offences punishable under Sections 406 and 498-A, IPC, in a case arising out of FIR No.151, dated 08.06.2015, registered at Police Station, Sector 31, Chandigarh.

Learned counsel for the petitioner submits that the marriage of the petitioner with Pooja Aggarwal (informant) was solemnized in the year 2007; the petitioner and his wife were blessed with two children who are now residing with the petitioner; the present FIR has been lodged after eight years of

the marriage on the basis of false and frivolous allegations; the alleged dowry articles were recovered by the police and returned to the informant; the petitioner filed a divorce petition on various grounds and in retaliation thereof, the present FIR has been registered; and that learned Court of Session has not accorded sound reasons for dismissal of pre-arrest bail petition of the petitioner.

On the other hand learned counsel for the State assisted by learned counsel for the informant submits that since the date of marriage, the informant was being harassed, tortured and beaten up by the petitioner and his family members. There was constant demand of cash amount from the informant by the petitioner and that the petitioner and his mother were always using derogatory language against the informant, her mother and the maternal uncle (*mama*). Learned counsel for the State, on instructions from HC Pawan Parkash, Police Station, Women Cell, Sector 17, Chandigarh, submits that it has wrongly been submitted by learned counsel for the petitioner that all the dowry articles were recovered.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Perusal of the FIR (Annexure P-2) reveals that from the very inception of the marriage, the petitioner was not only harassing but was also beating the informant. There are specific

allegations of demand of cash amount on different occasions. A mother of two children, after eight years is not expected to level the false and frivolous allegations against her husband. In the present case, it appears that the custodial interrogation of the petitioner is necessary.

No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

**August 27, 2015**  
seema

**(Naresh Kumar Sanghi)**  
**Judge**

