

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

CRM-M-2443 of 2015

Date of decision : 01.05.2015

Jagtar Singh

..... Petitioner

Versus

State of Punjab

... Respondents

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rajesh Gupta, Advocate for petitioner.
 Mr. Neeraj Yadav, AAG, Punjab.
 Mr. Navjoot Singh, Advocate for complainant.

DARSHAN SINGH, J.

This petition has been filed by Jagtar Singh, the husband of the complainant Smt. Parveen Kaur for grant of anticipatory bail in case FIR No.01 dated 02.01.2015 under Sections 406, 498-A of the Indian Penal Code, 1860 Police Station Women, Ludhiana.

As per the prosecution allegations, complainant Parveen Kaur was married with present petitioner Jagrat Singh on 14 December, 2012. Huge dowry was given in the marriage. After the marriage, complainant was harassed and tortured by the petitioner and his family

members for bringing more dowry. The demand of diesel car and Rs.5,00,000/- in cash was raised for sending the petitioner abroad. Due to non-fulfillment of the aforesaid demands, the complainant was beaten. Though she was pregnant, the petitioner turned out the complainant from the matrimonial house and retained the dowry articles.

Learned counsel for the petitioner contended that the false allegations have been leveled against the petitioner. Almost all the dowry articles have already been recovered by the police. In fact the complainant does not want to reside and cohabit with the petitioner as she is having extra marital relations with some other boy, which is evident from the joint written statement of the respectable Annexure P-3.

He further contended that earlier the matter was amicable settled, which is evident from the copy of compromise Annexure P-4. Thereafter, again the complainant started creating trouble in the family. He contended that the petitioner has already joined the investigation and has been sufficiently interrogated. He is not required for any custodial interrogation. Thus, he deserves the concession of anticipatory bail.

On the other hand, learned State counsel assisted by Mr. Navjot Singh, Advocate learned counsel for the complainant pleaded that the petitioner is the husband of complainant. The complainant was maltreated, harassed and tortured for demand of diesel car and Rs.5,00,000/- cash. There are specific allegations against the present petitioner. Though he has joined the investigation but the recovery of the jewellery is still to be effected. The complainant is still ready to

rehabilitate. Even the Gram Panchayat has given this fact in writing. But the petitioner is not ready to rehabilitate her in the matrimonial home. Thus, they contended that the petitioner is not entitled for grant of anticipatory bail.

I have duly considered the aforesaid contentions.

It is pertinent to mention that during the pendency of this petition, the matter was referred to Mediation and Conciliation Centre of this Court. The report of the Director, Mediation and Conciliation Centre has been received that despite best efforts, the parties could not reach at any amicable settlement.

It is the settled principle of law that the anticipatory bail is an extra ordinary privilege and can only be granted in exceptional cases. Herein, in this case the petitioner is husband of the complainant. There are specific allegations against the present petitioner of maltreatment, harassment, torture of the complainant for the demand of dowry i.e. diesel car and Rs.5,00,000/- in cash for sending the petitioner abroad. Though, the petitioner has joined the investigation but the learned State counsel on the instructions of the Investigating Officer has stated that eighty six grams gold jewellery is yet to be recovered from the petitioner and for that his custodial interrogation is necessary.

The contentions raised by learned counsel for the petitioner that the complainant do not want to cohabit with the petitioner is controverted by the copy of the writing of the Panchayat of village Chahad placed on record by learned counsel for the complainant wherein

it has been mentioned that the Panchayats were convened thrice. The complainant wanted to return to the matrimonial house but her in-laws were adamant on their demands.

Thus, in these circumstances, the petitioner has failed to make out the exceptional case to claim the extra ordinary privilege of anticipatory bail.

Thus, keeping in view my aforesaid discussion, the present petition has no merits and the same is hereby dismissed.

01.05.2014

sunil yadav

**(DARSHAN SINGH)
JUDGE**