

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

**Criminal Misc. No. M-28010 of 2015
Date of decision: 21.08.2015**

Ankit Jain

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Nipun Vashist, Advocate
for the petitioner.

Daya Chaudhary, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.251 dated 27.06.2015 registered under Sections 498-A, 406, 354, 506 read with Section 34 of Indian Penal Code at Police Station Shivaji Colony, Rohtak.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas there was no specific allegations relating to demand of dowry or entrustment thereof and learned Additional Sessions Judge, Rohtak has dismissed his bail application without any application of mind and without following the guidelines laid down by Hon'ble the Supreme Court in

Arnesh Kumar vs. State of Bihar and another, 2014(3) RCR

(Criminal) 527 as no mediation and conciliation proceedings have taken place between the parties till date whereas the same is imperative in such like offence. Learned counsel also submits that there are no chances of absconding or tempering with the evidence as the petitioner is ready to join investigation and there is no allegation of entrustment of dowry articles.

Heard arguments of learned counsel for the petitioner and have also perused the contents of the FIR.

The present petitioner is husband of the complainant and has prayed for grant of anticipatory bail on the ground that no specific allegation of demand of dowry and entrustment of dowry articles are there against him. The petitioner cannot be arrested without having any mediation and conciliation proceedings as has been observed in **Arnesh Kumar's case (supra)**.

On perusal of FIR, it appears that specific demand of car, flat and money was raised on various occasions. Not only, the demand of dowry was there but the complainant was also tortured as she was given merciless beatings due to which, she suffered miscarriage at the hands of the petitioner. Till date, neither the dowry articles have been recovered nor co-accused have joined the investigation as they are fleeing from the investigation. The petitioner was called by Women Cell and every effort was made by recording statement of both the parties. The Deputy Superintendent of Police,

Rohtak also called the petitioner and other witnesses from the locality for recording of their statements so it cannot be said that no proceedings have taken place.

Keeping in view the specific allegations levelled against the petitioner, who is the main accused and also gravity of the offence, no ground is made out to grant anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

However, it is made clear that any expression on the merits of the case shall not be construed as an opinion while deciding bail application of the other co-accused.

21.08.2015
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(DAYA CHAUDHARY)
JUDGE