

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

CRM-M-29610-2014

Date of decision: 27.04.2015

Parvinder Singh Bhogal

... Petitioner

Vs.

State of Haryana and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. H.S. Lalli, Advocate for
Mr. Manish Bansal, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

Mr. Parminder Singh, Advocate
for respondent No.2.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.54 dated 04.02.2014 under Sections 498-A, 406, 34 IPC, registered at Police Station Sector-5, Gurgaon.

Notice of motion was issued and interim protection was granted to the petitioner vide order dated 2.09.2014. It was specifically stated on behalf of the petitioner before this Court on 02.09.2014 that if the petitioner fails to settle the matter amicably, he would return all the dowry articles.

Learned counsel for the complainant, on instructions from her, who is present in Court, submits that neither the petitioner has made any sincere effort to settle the matter amicably nor he has returned the dowry articles, thereby violating the undertaking given before this Court on 02.09.2014.

On the other hand, learned counsel for the petitioner submits that petitioner has not left any effort for amicable settlement. He further submits that petitioner is residing at Mohali and the wife has refused to stay in the rented accommodation at Kangra. He prays for allowing the present petition. Learned counsel for the petitioner also places reliance on a judgement of this Court in **Bhupinder singh etc. Vs. State of Punjab 2014 (2) RCR (CrI.) 109**, to contend that non-returning of dowry articles cannot be a ground for rejecting the anticipatory bail.

The judgment cited by learned counsel for the petitioner does not help the petitioner being distinguishable on facts. It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533**.

Having heard the learned counsel for the parties at considerable length and after careful perusal of the record of the case, this Court is of the considered opinion that petitioner is misusing the process of law. It is so said because admittedly children of the parties are staying at their residence at New Delhi. Present petition was also filed by the petitioner showing himself to be resident of New Delhi. It is also not denied by learned counsel for the petitioner that petitioner has not owned any house at Kangra. It is also admitted by learned counsel for the petitioner that the house at New Delhi is owned by the mother of the petitioner and the petitioner is the only son,

however, he has got two sisters. Petitioner has also not pointed out anything as to why he shifted from New Delhi to Mohali nor he has pointed out his address at Mohali.

The complainant-wife, who is present in the Court, has stated that she had always been ready and willing to reside with the husband-petitioner. Since he was staying at New Delhi at the time of filing of the petition and even now he is staying at New Delhi, she is not being allowed to stay with her children and her husband at New Delhi for the reasons best known to the petitioner. She further stated that neither the petitioner is doing any work at Mohali nor he is, as a matter of fact, staying at Mohali.

Learned counsel for the complainant further states that neither the petitioner has shown any inclination to take the complainant-wife along with him nor he intended to return the dowry articles.

From the peculiar facts of the case noticed hereinabove, it has become clear that the petitioner is misusing the process of law. Neither he has complied with the order passed by this Court on 02.09.2014 nor he is ready even today, to take the complainant-wife along with him.

So far as the allegations in the FIR are concerned, the same are direct and specific. In such a situation, custodial interrogation of the petitioner shall be a compulsive necessity of the investigating agency.

Keeping in view the totality of facts and circumstances of the case noted above, no case for anticipatory bail is made out.

Present petition is dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

27.04.2015
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