

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-31316 of 2014

Date of Decision: February 21, 2015

Tarun Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

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

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Present:- Mr. Pankaj Jain, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

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

Petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Leena alleging that she was married to petitioner on February 24, 2014. On account of she having been treated with cruelty by petitioner and his family members she had to leave the matrimonial home.

Counsel for the petitioner has submitted that the co-accused of the petitioner i.e. the parents have been granted the concession of pre-arrest bail on November 5, 2014. It has been argued that the complainant did not

stay with the petitioner even for a single day and that all the dowry articles and jewellery has been taken away by the complainant.

During the course of arguments, it transpires that the petitioner had filed a complaint against his wife on February 28, 2014 to Commissioner of Police, New Delhi that the complainant had been taken away by 6/7 people after the marriage. It has also been brought to the notice of the Court that the petitioner filed a complaint under Section 156 (3) Cr.P.C. before Magistrate in Tees Hazari Court, annexure P-4 which was inquired into by the police and that the police authorities had found that the complainant was earlier married and she had concealed the factum of having a daughter from her earlier marriage and having relations with one Lalit Sharma.

On the instructions of ASI Ram Niwas, it has been informed that no recoveries have been effected in the present case.

I have considered the facts and circumstances of this case. It appears that the allegations have been levelled against the complainant and her family members from the very first day of the marriage, as a result of which she was compelled to leave the matrimonial home. The petitioner appears to have acted smartly by lodging a complaint on the same day with an objective to substantiate his future defences. Some misunderstanding appears to have cropped up regarding the antecedents of the complainant as is apparent from the complaint annexure P-4 and report annexure P-5 which was prepared by police of Police Station Rupnagar, Delhi. The conduct of

the petitioner does not appear to be bonafide. He has taken all possible steps to defeat the rights of the complainant. A lady who has been compelled to leave the matrimonial home the very first day does not leave any chance for grant of pre-arrest bail to the petitioner who appears to be the main accused in the present case. The circumstance of co-accused i.e. parents having been granted concession of pre-arrest bail is not sufficient enough to grant the same relief to the petitioner especially when the recoveries are yet to be effected. There are serious allegations against the petitioner. No ground is made out to grant concession of pre-arrest bail to the petitioner.

Dismissed without prejudice to the rights of the petitioner to approach this Court in case the matter is amicably resolved at any stage. Nothing mentioned in this order will prejudice the rights of the petitioner to seek concession of regular bail.

February 21, 2015
sanjay

(M.M.S.BEDI)
JUDGE