

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

Crl.Misc.No.M-32777 of 2015

Date of Decision:27.11.2015

Gagan Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.

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

**Present: Dr.Brij Bhushan Kaushik, Advocate,
for the petitioner.**

Mr.B.S.Virk, D.A.G., Haryana.

**Dr.Anand Kumar Bishnoi, Advocate,
for the complainant.**

DAYA CHAUDHARY, J.

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.287 dated 08.08.2015 registered under Sections 498-A and 406 IPC at Police Station Sector 5, Panchkula.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no offence is made out against him. The complainant is father of the wife of the petitioner and no demand of dowry was ever made by the petitioner's side. The wife of the petitioner is suffering from some chronic disease and is a lady of quarrelsome nature and has left the matrimonial home with her own free will.

The case came up for hearing before this Court and the

following order was passed on 24.09.2015:-

“Learned counsel for the petitioner submits that no demand of dowry and harassment thereof. Only because of mental ailment of daughter of the complainant, the FIR, in question, has been registered. The complainant is residing with her father as she is taking treatment from Chandigarh. Petitioner also made all efforts to provide treatment to the daughter of the complainant. The petitioner is still ready to keep daughter of the complainant and just to show his bonafide, is ready to deposit an amount of ₹ 5 lacs.

Notice of motion for 16.10.2015.

Notice reg: stay as well.

Meanwhile, learned counsel for the petitioner is directed to place on record the documents to show that even before marriage and immediately after marriage, the daughter of the complainant was suffering from mental ailment.”

Subsequently, neither the amount was deposited nor the petitioner has placed on record any documents to show that his wife was suffering from mental ailment even before the marriage. Thereafter, the case was adjourned on the request of learned counsel for the petitioner to get instructions in the matter, in view of the order passed by this Court on 24.09.2015. Learned counsel for the petitioner submits that the petitioner is ready to keep his wife with him but he would not like to deposit any amount even for calling her in the Court.

Learned counsel appearing on behalf of the complainant submits that the daughter of the complainant is being harassed by the petitioner and even no treatment was given to her. Presently, the daughter of the complainant is taking treatment from Chandigarh as her parents took her to the doctor. It has also been brought to the notice of this Court by learned counsel for the complainant that a divorce petition has also been filed by the petitioner which is still pending.

After hearing the arguments of learned counsel for the parties

and keeping in view the facts of the case, it was directed to the learned counsel for the petitioner to deposit some amount for bringing the daughter of the complainant in the Court so as to settle the dispute between the parties but for that also, he is not ready to deposit even a single penny.

Keeping in view the attitude of the petitioner and the fact that in spite of the undertakings given by him to this Court to deposit the amount, in question, he has not complied with the order dated 24.09.2015 and specific allegations for the demand of dowry and entrustment of dowry articles are there against him, no ground is made out to grant anticipatory bail to the petitioner.

Petition is dismissed accordingly.

(DAYA CHAUDHARY)
JUDGE

November 27, 2015
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