

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

CRM-M-33948 of 2014
Date of Decision: 28.04.2015

Sanjeev Kumar and others

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Surender Dhull, Advocate
for the petitioners.

Ms. Mahima, AAG, Haryana.

Mr. S.K. Pawar, Advocate
for the complainant.

SNEH PRASHAR, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioners in case First Information Report No.257 dated 22.07.2014 under Sections 498-A, 406, 420, 506 and 120-B of the Indian Penal Code (for short 'IPC) registered at Police Station Farakpur, District Yamuna Nagar.

2. The case of the prosecution is that Pooja Sharma was married to Sanjeev Sharma (petitioner No.1) s/o Prithvi Raj and Urmila (petitioner No.2 and 3). Her parents spent handsome amount to the tune of Rs.10 lacs on the marriage ceremonies and dowry articles etc. but the petitioners were not satisfied. She was harassed, maltreated, beaten

and kept hungry on account of their demand for a car and other expensive articles. It was also concealed from her that Sanjeev Sharma was a widower and had a child from his first marriage. Just after five days of marriage she was turned out of the matrimonial home with the warning that she should not return until and unless she is able to bring a car etc. All her valuable clothes and gold ornaments etc were retained by her husband and parents-in-law.

It was mentioned by the complainant that after she had given an application to Superintendent of Police Yamuna Nagar a Panchayat was convened before whom her husband and other members of the family levelled allegation that she is hard of hearing and is in need of medical treatment.

3. Heard the submissions made by Mr. Surender Dhull, Advocate representing the petitioners and Ms. Mahima, AAG, Haryana representing State and Mr. S.K. Pawar, Advocate representing the complainant.

4. Learned counsel for the petitioner argued that as mentioned in the First Information Report after marriage complainant-Pooja Sharma lived in her matrimonial home only for five days. It does not appear to be plausible that she had to face the atrocities mentioned by her in the complaint in just five days of marriage. The fact is that she is hard of hearing and on that count is 75-80 percent handicapped. This was not disclosed to the petitioners. When they came to know, they called her parents who came and took her with them. While leaving,

they also took away all valuable clothes and gold ornaments etc. given by them to the complainant at the time of marriage. Learned counsel also contended that in the application filed by the complainant before Women Cell it was alleged that there was a demand of Rs.4 lacs for getting her transferred from Ambala to Delhi as she is a teacher in Central School. It was also mentioned that a car was demanded from her but on inquiry the Women Cell found all the said allegations to be false.

Learned counsel further contended that it is the petitioners who have been defrauded by the complainant and her parents. In said state of facts when nothing is to be recovered from them they be released on anticipatory bail.

5. The petition was opposed by Ms. Mahima, AAG, Haryana representing State and Mr. S.K. Pawar, Advocate representing the complainant. They submitted that though the petitioners were directed to join investigation and were granted interim bail by order of this Court dated 30.09.2014, they did not cooperate at any stage and not a single article of dowry and Istridhan of the complainant could be recovered.

6. Indeed, the complainant mentioned in the First Information Report that after marriage she remained at her matrimonial home just for five days, but she specifically stated how she was made to face atrocities at the hands of her husband and other members of inlaws family. In just five days she was beaten and kept hungry for hours on

account of demand of her in-laws for an expensive car etc. It is also her allegation that the factum of first marriage of her husband-Sanjeev Kumar and his having a child out of that marriage was concealed from her. The petitioners alleged that the complainant was hard of hearing to the extent of 75-80 %. However it is mentioned in the order dated 18.09.2014 of Learned Sessions Judge, Yamuna Nagar that during the proceedings in the Court the complainant was able to hear everything which was being conversed in relation to the case in the Court.

7. Although this Court had directed the petitioners to join investigation but as submitted by Ms. Mahima, AAG, Haryana representing the State, they did not cooperate and no dowry article has been returned/recovered.

8. As far as petitioner No.2-Urmila is concerned, she is the mother-in-law and is said to be an aged lady. The complainant had not attributed any specific overt act to her while describing the cruelties she had faced at her inlaws house after marriage.

9. In view of aforesaid facts and circumstances of the case and least any expression above may cause prejudice to the case of either side, in my considered opinion, since recovery of dowry articles is yet to be made, while petitioner No.1-Sanjeev Kumar (husband) and Prithivi Raj-petitioner No.3(father-in-law) are not entitled to the concession of anticipatory bail and the petition on their behalf is dismissed, Urmila Devi-respondent No.2 is given the concession and is enlarged on anticipatory bail. Petitioner No.2-Urmila will appear before

learned trial court within 30 days from the date of this order and will submit her bonds to the satisfaction of the said Court. She shall also abide by conditions mentioned here under:

- i) she shall make herself available for interrogation by a police officer as and when required;
- (ii) she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (iii) she shall not leave India without the prior permission of the Court.

April 28, 2015
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(SNEH PRASHAR)
JUDGE