

CRM-M-35791 of 2014 (O&M)

Decided on: 13.02.2015

Ajay Sethi

..... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Gaurav Mohunta, Advocate,
for the petitioner.

Mr. Mikhail Kad, A.A.G., Punjab.

Mr. Piyush Sharma, Advocate for the complainant.

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

The petitioner seeks concession of pre-arrest bail in a case registered at the instance of his wife Neetika alleging that after she was married to the petitioner on July 9, 2011, she was harassed and maltreated. There are serious allegations against the petitioner that he and his family members had demanded a sum of Rs.9 lac which he had lost in cricket gambling. The complainant was not only turned out of the matrimonial home but an FIR was also registered against the wife alleging that she had committed theft of gold articles.

Matter was referred to the Mediation Centre but the parties could not arrive at any final settlement for reunion. The alternate mode of parting company also appears to be acceptable to the complainant but the petitioner has expressed his inability to pay sufficient amount on the ground that he has got liability to look after his family members which include old father and sisters of marriageable age.

I have considered the facts and circumstances of the case. The allegations of cruelty are writ large from the fact that the complainant had

been assaulted brutally as is apparent from MLR dated 04.08.2014, placed on record. The incidents of domestic violence are apparent from the fact that not only the complainant was assaulted but was even denied a right to reside in the shared household. No female would leave the matrimonial home, unless until she is compelled by the acts of cruelty committed by the husband.

The counsel for the petitioner has submitted that the bona fide of the petitioner is that he had also filed a case under Section 9 of the Hindu Marriage Act. The said conduct appears to be a camouflage to express desire for resumption of cohabitation but there does not appear to be any intention for the same.

Taking into consideration the totality of the circumstances, no extra ordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner.

Petition is dismissed with liberty to the petitioner to approach this Court again in case the matter is amicably resolved.

(M.M.S. BEDI)
JUDGE

February 13, 2015

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