

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

**CRM No.M-3610 of 2015
Date of decision: 12.05.2015**

Gurpreet

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH

*** * ***

Present: Mr. Munish Puri, Advocate for the petitioner(s).

Mr. Neeraj Yadav, AAG, Punjab.

DARSHAN SINGH, J.

This petition has been filed for grant of anticipatory bail by invoking the provisions of Section 438 of the Code of Criminal Procedure in case FIR No.164, dated 20.11.2014, Police Station Division No.2, Pathankot registered under Sections 406, 498-A, 120-B of the Indian Penal Code.

Complainant-Mandeep was married with the petitioner on 1.9.2013. Sufficient dowry was given in the marriage. After few days of the marriage, the present petitioner and his family members started harassing the complainant for bringing more dowry from her parents. The Panchayat was convened to advise her in-laws but thereafter, again they started harassing the complainant. On 14.9.2014, she was given beating and was ousted from the house after snatching her 2 ½ month old daughter. When she narrated

the incident to her parents, they went to her in-laws house but the petitioner tried to indulge into fight with her father. On these allegations, the case was registered.

The application moved by the petitioner for grant of anticipatory bail has been dismissed by the learned Sessions Judge, Pathankot. Hence, this petition.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case. In fact the complainant does not want to live in the matrimonial house. She has left the matrimonial house leaving 2 ½ month old daughter. She has even tried to kill her. He contended that the petitioner has already joined the investigation. The dowry articles have already been recovered. So, the petitioner deserves the concession of anticipatory bail.

On the other hand, learned Assistant Advocate General, for the State of Punjab, contended that there is no substance in the contentions raised by the learned counsel for the petitioner. The petitioner is the husband of the complainant. There are serious allegations against him. In fact, the complainant was ousted from the matrimonial home after snatching 2 ½ month old female child. Some ornaments are yet to be recovered. The petitioner has not cooperated in the investigation. So, his custodial interrogation may be required.

I have duly considered the aforesaid contentions.

Petitioner-Gurpeet is the husband of the complainant-

Mandeep Kaur. It is settled principle of law that in order to claim the extraordinary privilege of the anticipatory bail, the petitioner should make out an exceptional case. In the instant case, there are specific allegations against the present petitioner with respect to the harassment of the complainant on account of insufficient dowry. It is also specifically alleged that the complainant was ousted from the matrimonial home after snatching her 2 ½ month old daughter. Learned counsel for the petitioner has contended that the complainant has not filed any application for taking the custody of the child but that omission on the part of the complainant is no ground to presume that she has voluntarily left the child and abandon the matrimonial home.

No doubt, the petitioner has joined the investigation but the learned State counsel, on the instructions of the Investigating Officer, has categorically stated that he has not cooperated in the investigation of the case and some jewellery items are still to be recovered from the petitioner which may require his custodial interrogation.

Thus, keeping in view my aforesaid discussion, the petitioner has failed to make out an exceptional case in order to claim the extraordinary privilege of the anticipatory bail.

Thus, the present petition has no merits and the same is hereby dismissed.

May 12, 2015**(DARSHAN SINGH)
JUDGE**