

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

**CRM-M-37735 of 2014
Date of decision : 06.05.2015**

Gagandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. A.S.Shiva, Advocate
for the petitioner.

Mr.Jashanpreet, AAG, Punjab.

Mr. Kapil Khanna, Advocate
for the complainant.

DARSHAN SINGH,J(Oral)

This application has been filed by petitioner Gagandeep Singh, the husband of complainant Gagandeep Kaur for grant of anticipatory bail in case FIR No. 97 dated 10.10.2014, under Sections 406, 498-A of Indian Penal Code, 1860, registered at Police Station City-II Abohar, District Fazilka.

As per the prosecution allegations, complainant Gagandeep Kaur was married with the present petitioner on 18.11.2005. Her parents spent about Rs.10-11 lacs on her marriage. But, the accused started harassing the complainant for bringing insufficient dowry. Father of the complainant had given Rs. 70,000/- to the accused, but they raised

the demand of Rs. 2 lacs in cash. The complainant was thrown out of the matrimonial house in January 2008 after giving beatings. The Panchayats were conveyed to rehabilitate her, but of no help. The application of petitioner for grant of anticipatory bail has been dismissed by the learned Additional Sessions Judge, Fazilka. Hence this petition before this Court.

Learned counsel for the petitioner contended that there are no specific allegations against the present petitioner. The allegations are of general nature. He has already joined the investigation. No recovery is to be effected from his possession. Thus, he is entitled for grant of the anticipatory bail.

On the other hand learned State counsel assisted by Mr. Kapil Khanna, Advocate, learned counsel for the complainant pleaded that the matter was referred to Mediation and Conciliation Centre of this Court by this Court for amicable settlement. The petitioner has not even paid the full amount of transportation charges as ordered by this Court and did not attend the Mediation proceedings except on one hearing. The dowry articles are yet to be recovered from his possession. It may require his custodial interrogation. There are specific allegations against the petitioner, who happens to be the husband of the complainant. Thus, he is not entitled for grant of the anticipatory bail.

I have duly considered contentions.

Petitioner Gagandeep Singh is the husband of the complainant Gagandeep Kaur. On the request of learned counsel for the parties, as they had stated that there were chances for amicable settlement, the matter was referred to the Mediation and Conciliation

Centre of this Court. The petitioner was directed to pay a sum of Rs. 5000/- as transportation charges. The report of the Mediator has been received, which shows that the petitioner has only paid a sum of Rs. 3500/- towards the transportation charges. He has attended the mediation proceedings only on 9th of April, 2015 and thereafter he did not attend the Mediation proceedings for the amicable settlement of this matrimonial dispute. It shows the conduct of the petitioner.

There are various specific allegations in the FIR against the present petitioner for harassment and maltreatment of the complainant for the demand of dowry. Even, the injuries were caused to the father of the complainant and a case FIR No. 170 dated 29.07.2014, under Sections 325, 323 of Indian Penal Code, Police Station Kotkpura was registered. There are further specific allegations regarding the demand of Rs. 2 lacs. Learned State counsel has stated that though the petitioner has joined the investigation, but the recovery of the dowry articles has not been effected. So, even the custodial interrogation of the petitioner may be required in order to effect the recovery.

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

Thus, the present petition is hereby dismissed.

06.05.2015

s.khan

**(DARSHAN SINGH)
JUDGE**