

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

**CRM-M-38044 of 2014
Decided on: 07.01.2015**

Ravi Kumar

..... Petitioner

Versus

U.T. Chandigarh and another

..... Respondents

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

Present: Mr. K.S. Sidhu, Advocate
for the petitioner.

Mr. A.S. Sullar, Advocate for U.T. Chandigarh.

Mr. Anuj Raura, Advocate
for the complainant.

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

This is a petition for grant of pre-arrest bail to the petitioner who is husband of complainant-Manju. As per allegations in the FIR, petitioner had maltreated the complainant and forcibly retained the custody of minor child born out of the wedlock.

While issuing notice on 05.11.2014, this Court had expressed an opinion that the circumstances do not warrant grant of pre-arrest bail to the petitioner and only in order to explore the possibility of some amicable settlement, the matter was referred to Mediation Centre. It appears that no fruitful result could be achieved before the Mediation Centre.

Learned counsel for the complainant has intervened to oppose the application for pre-arrest bail by referring to different events w.e.f. 26.01.2006 to January, 2014 to indicate that the

petitioner had been repeatedly committing the offence of cruelty which is subsisting till date. Complainant has expressed desire to even resume cohabitation at this stage.

Though the petitioner is represented by counsel but the petitioner has expressed his desire to make submissions before this Court by appearing in person also. He was given permission to argue his matter. He has vehemently urged that he has been harassed by the complainant by interfering in his professional work as he had been working as a Tutor at different Educational Institutions and has been made to leave the jobs on account of repeated complaints sent by the complainant. He has gone to the extent of levelling allegations against the character of the complainant though he has mentioned in his petition that the marriage of the petitioner with complainant was an inter-caste love marriage solemnized on 26.01.2006. He has submitted that the person at whose instance the criminal proceedings are being lodged is present in the Court and that the complainant wants to harass him by filing petitions under Domestic Violence Act, under Section 125 of Cr.P.C. and by lodging FIR against him. The petitioner has submitted that wrong allegations have been levelled against him that he has forcibly vacated the house in Sector-38 and deprived the complainant from residence anywhere.

I have considered the facts and circumstances of the case. The marriage between the parties does not appear to be as simple as tried to be portrayed by the petitioner. No female would leave her matrimonial home unless until compelled by the circumstances. Though the petitioner has claimed that it was a love

marriage but it appears that by his conduct, he has created such distrust that it is not feasible for the complainant to resume cohabitation with him. An act of levelling allegations on the character of wife in the Court is a glaring example of atrocities committed by the petitioner. I do not find any extra-ordinary exceptional circumstances to grant the concession of pre-arrest bail to the petitioner.

Dismissed.

07.01.2015

ps-I

(M.M.S.BEDI)
JUDGE