

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-41322 of 2013 (O&M)
Date of Decision: 25.05.2015.

Sidharth Passi

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ankur Mittal, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

Mr. A.P.S. Sandhu, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

Report of the Mediator Mr. Rohit Suri has been placed on record and a perusal of the same would reveal that the process of mediation has not born any positive results.

Petitioner seeks the benefit of pre-arrest bail in case F.I.R. No. 21 dated 12.9.2013 under sections 406, 498-A I.P.C registered at Police Station, Women Cell, Amritsar.

Learned counsel for the parties have been heard.

Complainant is the wife of the present petitioner. Marriage was stated to have been solemnized on 27.5.2012 and thereafter the parties had immediately moved to Mumbai. As per complainant's version, she came back to her parental house in Amritsar on 4.6.2012.

Even though, the allegations are pertaining to demand of dowry and entrustment of dowry articles etc., yet, the F.I.R has been registered for offence under section 498-A I.P.C.

Counsel for the complainant would vehemently oppose the prayer made in the petition by submitting that a married girl has been turned out of the matrimonial home merely five days after the marriage ceremony and under such circumstances conduct of the husband does not deserve any leniency.

Certain facts, which have gone uncontroverted and which would require notice are that the present petitioner had moved a petition for annulment of marriage in the competent court in Mumbai in September, 2012 itself. That apart, the complainant, who is stated to have come back to her parental house in Amritsar in the first week of June, 2012 lodged a complaint against the petitioner after a period of one year i.e. on 18.6.2013 and which has led to the registration of the F.I.R.

The contention raised by counsel for the petitioner that the F.I.R is a mere counter blast to the petition seeking annulment of marriage, cannot be completely discarded.

Learned State counsel upon instructions from H.C Chana Masih would apprise the Court that in pursuance to the interim protection granted by this Court vide order dated 21.12.2013 the petitioner has since joined investigation.

Under such circumstances, custodial interrogation of the petitioner would not be warranted. Accordingly, the present petition is allowed. Order dated 21.12.2013, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.05.2015
lucky