

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-39043-2014
Date of decision:27.05.2015

Manu Khanna

...Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Aman Bahri, Advocate for the petitioner.
Mr.A.K.Lamdharia, Advocate for U.T. Chandigarh.
Mr.Anuj Raura, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.225 dated 24.7.2014 registered under Sections 498-A and Section 406 IPC (added later on) at Police Station, Sector-31, U.T. Chandigarh.

Notice of motion was issued. Thereafter, interim protection was granted vide order dated 25.11.2014, directing the parties to appear before the Mediation and Conciliation Centre of this Court. Conciliation proceedings failed. Thereafter, two more opportunities were granted to the parties by this Court vide orders dated 10.4.2015 and 21.5.2015 to settle the matter amicably, but they have repeatedly failed to arrive at an amicable settlement.

Learned counsel for the petitioner submits that the petitioner has joined the investigation and got the recovery of many of dowry articles effected. He further submits that the petitioner is still not averse to an amicable settlement. So far as recovery of remaining dowry articles are concerned, most of dowry articles particularly the ornaments are lying in the locker. The Petitioner has got no objection in case the locker is operated and all the gold articles are recovered. He prays for allowing the present petition.

On the other hand, learned counsel for the State (UT Chandigarh), on instructions from SI Eram Rizvi, Women and Child Support Unit, Sector-17, Chandigarh, submits that although the petitioner has joined the investigation and got recovered some of the dowry articles yet numerous dowry articles were yet to be recovered. Thereafter, petitioner neither joined the investigation nor he cooperated with the investigating agency in getting the recovery effected. He further submits that on the one hand, petitioner has been repeatedly getting adjournments from this Court on one pretext or the other but he has never shown any inclination either to settle the matter amicably or to get the remaining dowry articles recovered. He would next contend that petitioner has been misusing the concession of interim anticipatory bail granted by this Court. He prays for dismissal of the petition.

Similarly, while supporting the contentions raised by the learned counsel for the State, learned counsel for the complainant vehemently opposes the present petition, contending that the petitioner, as a matter of fact, has never intended to settle the matter amicably. The complainant-wife was ready to go with the petitioner without putting any condition but he refused to take her to the matrimonial home. He next contended that the petitioner has been misconducting himself to such an extent that he is not entitled for discretionary relief of anticipatory bail. He also prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that except the lip service, which would be of no use, petitioner has not shown his inclination either to settle the matter amicably or to get the recovery of remaining dowry articles effected. In this view of the matter, it can be safely concluded that petitioner has not been found entitled for the discretionary relief of anticipatory bail. It is so said, because even on the last date of hearing, petitioner was directed to take the respondent-wife with him unconditionally with the assurance that he would keep her with love

and affection, giving her due respect and would make a sincere effort to live peacefully. Similar direction was issued to the respondent-wife. Today, it is only respondent-wife, who is present but the petitioner did not come present before this Court for the reasons best known to him. Thus, over all conduct of the petitioner shows that he has been trying to play smart with the complainant as well as with the Court and he has rendered himself totally disentitled for the concession of anticipatory bail, at the hands of this Court. It has gone undisputed before this Court that many of the dowry articles are yet to be recovered by the investigating agency. It will not be possible with complete non-cooperation of the petitioner in this regard. In such a situation, protective interrogation will not serve any purpose and the custodial interrogation of the petitioner will be the compulsive necessity so as to conduct an effective investigation.

In view of the above and without commenting anything further on the merits, lest it should prejudice the rights of either of the parties, no case for anticipatory bail has been made out.

Dismissed.

27.05.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE