

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-38959-2015

Date of Decision: November 18, 2015

Pawan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

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| 1. | <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | YES |
| 2. | <i>To be referred to the Reporters or not?</i> | YES |
| 3. | <i>Whether the judgment should be reported in the Digest?</i> | YES |

NARESH KUMAR SANGHI, J (Oral)

The prayer in the present petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioner, Pawan Kumar, son of Bal Krishan, resident of village Attari, Tehsil and District Amritsar, who has been booked for having committed the offences punishable under Sections 406 and 498-A, IPC, in a case arising out of FIR No. 95, dated 19.9.2015, registered at Police Station, Subhanpur, District Kapurthala

Learned counsel contends that the informant, Priya, was maintaining illicit relations with one Vicky prior to her marriage with the petitioner; a divorce petition was filed in the month of June, 2015; after receipt of summons from learned District Judge, Kapurthala, the informant become wiser and lodged the impugned FIR; and that no specific allegation has been levelled against the petitioner of demand of dowry or of maltreating the informant.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

So far as the contention of learned counsel for the petitioner that the informant had maintained illicit relations with some other person before and after her marriage, has to be substantiated during investigation or trial. At this stage, the Court has to see whether from the narration of the FIR, *prima facie* case for commission of the offences punishable under Sections 406 and 498-A, IPC, is made out against the petitioner and he is entitled to the concession of pre-arrest bail. From the FIR, as read out by learned counsel for the petitioner, it is found that there are allegations of handing over of jewelry articles to

the petitioner and his family members and that on 11.6.2015, the petitioner alongwith his co-accused attempted to strangle the informant by means of a cloth. After that incident, the informant was shunted out from the matrimonial home. The petitioner being husband of the informant, is the main accused. No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

(NARESH KUMAR SANGHI)
JUDGE

November 18, 2015
P Kapoor