

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-39557 of 2014

Date of Decision: August 25, 2015

Gurpreet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr. A.S. Dhindsa, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. Tarun Singla, Advocate for the complainant.

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

Petitioner has sought the concession of pre-arrest bail in a case registered at the instance of his wife Shaganpreet Kaur alleging that petitioner in connivance with his family members used to beat, harass and torture the complainant for want of dowry. The wife of the petitioner and a minor daughter, born out of the wedlock, are living separately. The complainant has alleged that large number of dowry articles mentioned in the FIR were given to the petitioner. The petitioner and his parents indulged

in the act of beating the complainant. Her jewellery articles were misappropriated and she was not permitted to enter the matrimonial home on account of having given birth to the female child. There are allegations of locking the complainant in a room. An attempt was allegedly made to strangle her by putting a dupatta around her neck. She was turned out of the matrimonial home. An attempt was made for amicably resolving the controversy on July 1, 2013 but the petitioner and his family members refused to rehabilitate the complainant. The matter was referred to Mediation and Conciliation Centre of Punjab and Haryana High Court to amicably enter into compromise but mediation having failed, the matter has been referred to this Court for adjudication on merits.

Learned counsel for the petitioner has contended that his entire family members have been falsely roped in, in the case; the dowry articles have been recovered and that the petitioner has already joined investigation. Reliance has been placed on the recovery memo annexure P-1 to support the contention that no recoveries remain to be effected as such the petitioner should be granted the concession of pre-arrest bail.

I have heard learned counsel for the petitioner and carefully gone through the police file and have appreciated the contentions raised. There are serious allegations against the petitioner and his family members of having physically assaulted the complainant who has been compelled to stay with her minor daughter in her parents' house. No female will leave her matrimonial home alongwith her minor child unless and until she is

compelled to treat with atrocity. The act of the petitioner of having filed an application under Section 9 of the Hindu Marriage Act and later on withdrawing the same reflects his oblique motive. In case the petitioner in said circumstances is granted the concession of pre-arrest bail, the entire objective of provisions of Section 498 A IPC would be defeated.

The petition is thus dismissed.

August 25, 2015
sanjay

(M.M.S.BEDI)
JUDGE