

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 204

Criminal Miscellaneous No.M-41739 of 2014 (O & M)

Date of Decision: *July 27, 2015*

Amit Bhatia

..... PETITIONER

VERSUS

State of Punjab & another

..... RESPONDENT

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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

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PRESENT: - Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Ankur Jain, Assistant Advocate General, Punjab.

Mr. Ritesh Pandey, Advocate, for respondent No.2 – complainant.

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Jaspal Singh, J

1. Feeling apprehension of his arrest in case FIR No.47 dated October 5, 2014, under Sections 498-A, 406 IPC, registered at Police Station, Qadian, Police District Batala, District Gurdaspur, Amit Bhatia – petitioner has preferred the instant petition under Section 438 Cr.P.C.

2. In nut-shell, case of prosecution as unfolded by complainant – Ms. Ritu is that her marriage was solemnized with

petitioner on December 4, 2011 according to Hindu rites and ceremonies, and sufficient dowry was given at the time of marriage. But neither petitioner nor his parents or other family members were satisfied with the dowry given. They put-forth a demand of cash worth ₹ 5 lac and a car. When complainant showed her inability to meet with the said demand, she was thrashed and ultimately turned out of matrimonial home saying that she would not be rehabilitated in the matrimonial home unless she brings cash amount of ₹ 5 lac and a car.

3. Learned counsel for petitioner has contended that false allegations have been levelled against the petitioner. Infact, neither any demand was raised nor complainant – respondent No.2 was ever beaten or maltreated on this ground. Infact, petitioner is doing job at Ludhiana but complainant had been compelling him to leave the job and settle at Batala. Petitioner made her to understand that it was not possible for him. By concocting a false story and levelling vague allegations, instant case was registered. Petitioner is also ready to join investigation as well as to abide by all the terms & conditions in case he is granted the concession of pre-arrest bail.

4. Per contra, learned State counsel has strongly opposed the petition on the ground that there are serious and specific allegations of maltreatment and harassment qua petitioner in respect of raising demand of ₹ 5 lac in cash as well as that of a car. When respondent No.2 – complainant failed to meet with the said demand, she was not only

harassed or given severe beatings but also turned out of matrimonial home. Thus, petitioner does not deserve the concession of pre-arrest bail.

5. This Court has given an anxious thought to the submissions made by learned counsel for parties and meticulously gone through the record.

6. Undisputably, marriage of respondent No.2 – complainant was solemnized with petitioner on December 4, 2011, and out of their wedlock, one male child was born. Admittedly, petitioner is also doing job at Ludhiana and, when the couple was residing at Ludhiana, they were leading a good life. Even petitioner has also preferred a petition under Section 9 of Hindu Marriage Act, 1955, for restitution of conjugal rights, when complainant started residing with her parents, which is still pending disposal. Moreover, allegations levelled against the petitioner only fall within the ambit of Section 498 IPC and in such a situation, custodial interrogation of petitioner is otherwise not required.

7. Petitioner has already joined investigation in compliance of order dated December 8, 2014. An effort was also made by Mediation & Conciliation Centre of this Court for amicable settlement of their differences but since respondent No.2 – Ms. Ritu as well as her father straight away refused to join mediation proceedings, matter was remitted back to this Court for further adjudication. Moreover, investigation of this case is also complete and petitioner is not required for further interrogation.

8. Taking into consideration all aspects of this case and without commenting on the merits of case, petition is allowed. In the event of arrest, petitioner is ordered to be released on bail to the satisfaction of Arresting/Investigating Officer, subject to following conditions envisaged under Section 438(2) Cr.P.C. :-

- i) He will make himself available for investigation as and when required to do so;
- ii) He will not leave the country without the prior permission of the Court;
- iii) He will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police official.

July 27, 2015
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(Jaspal Singh)
Judge