

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-4828 of 2015

DATE OF DECISION: 08.10.2015

Vikas Nassa

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Ashish Gupta, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 971 dated 15.11.2014 registered under Section 377/498-A/406/323/506 IPC at Police Station Civil Lines, Gurgaon.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, neither any demand of dowry nor any harassment thereof was there. The allegations are vague and unspecific. The petitioner is well settled and there was no occasion to demand any dowry from the complainant. The complainant has also

implicated even the married sister-in-law, who is residing in Australia and was married much earlier to the marriage of the complainant. One Hyundai i 20 car was purchased by the petitioner in the name of the complainant on his own expenses. Even after marriage, no amount was demanded from the complainant family in the shape of dowry. The complainant was allowed to pursue her studies for B.Com IInd year and all the expenses were incurred by the petitioner. The petitioner is ready to join investigation.

Learned State counsel submits that it has wrongly been mentioned by learned counsel for the petitioner that no specific allegations are there. Not only the specific dates are there for demand of dowry but allegations of demand of dowry are also there. Offence under Sections 377/506 IPC have also been added along with offence under Sections 498-A, 406 and 323 IPC. Learned counsel also submits that on seeing the conduct of the petitioner, he does not deserve the concession of anticipatory bail.

Learned counsel for the complainant submits that the matter was referred to the Mediation and Conciliation Centre and some amount was settled but it is only the petitioner who backed out. During pendency of the investigation, the recovery of the articles could not be effected inspite of giving opportunity before the trial Court.

Heard the arguments advanced by learned counsel for the parties and have also perused the allegations in the FIR and other documents on the file.

A perusal of allegations in the FIR would show that specific allegations are there against the petitioner of demand of amount and other articles. The allegations have been levelled with specific dates and details. A detailed FIR has been registered against the petitioner, wherein, serious allegations of demand/entrustment of dowry articles have been levelled

against the petitioner and other family members. The allegations with regard to Section 377 IPC have also been levelled against the petitioner. During pendency of the investigation, the petitioner was asked to join investigation but recovery could not be effected because of mediation proceedings as earlier the petitioner agreed to settle the dispute finally by paying the amount in lump-sum but subsequently he backed out. Even before this Court, it was stated by learned counsel for the petitioner that there was possibility of settlement/compromise between the parties but due to difference in payment of amount, the matter could not be settled.

Vide order dated 26.2.2015, the parties were directed to appear before the Mediation and Conciliation Centre on 17.3.2015. The petitioner was also ordered to be released on interim bail but inspite of granting protection, he did not agree to compensate the complainant in monetary terms, whereas, it was specifically stated while granting interim anticipatory bail that he is ready to settle the dispute with the complainant. After having various sessions before the Mediation and Conciliation Centre, both the parties had agreed to settle the dispute by paying the amount in lump-sum to the complainant as one minor daughter is also there but the petitioner himself backed out of the settlement. Thereafter a report was sent by the Mediator that the matter could not be settled between the parties because of some dispute with regard to visiting rights. The complainant remained present before the Mediation and Conciliation Centre but the petitioner did not appear. Subsequently before this Court also, again the complainant-wife was called alongwith the child but the petitioner stated that he has no source of income and he is not in a position to compensate the complainant-wife as he is dependent upon the income of his father, who is running a small shop.

Learned counsel for the complainant submits that the

petitioner is having two houses, out of which, one house has been given on rent and he is running two shops, out of which one shop is in the house and he is earning handsome income. The factum of giving one house on rent and running of two shops has been affirmed by learned counsel for the respondent-State on instructions from the Investigating Officer.

Accordingly, keeping in view the allegations levelled and facts as mentioned above, not only demand of dowry is there but allegations with regard to Sections 377, 506 and 323 IPC are also there; the petitioner did not join investigation due to which recovery could not be effected, he does not deserve the concession of anticipatory bail and the petition being devoid of any merit is hereby dismissed.

October 08, 2015
pooja

(DAYA CHAUDHARY)
JUDGE