

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-5246 of 2015

DATE OF DECISION: 18.02.2015

Jai Partap

.....Petitioner

Versus

State of Haryana and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. L.S. Sidhu, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No. 415 dated 23.12.2014 registered under Sections 498-A,323,506,34 IPC (Section 377 IPC added later on) at Police Station Gohana City, District Sonipat.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, neither any demand of dowry was there nor any dowry article was given at the time of marriage and it was a case of simple marriage. A perusal of FIR itself shows that total expenses incurred at the time of marriage were ₹ 1,50,000/-. Petitioner as well as complainant remained together for a short period i.e. from 5.9.2014 to 22.9.2014 and thereafter the petitioner left for Rihand

Nagar in Uttar Pradesh, where, he is presently posted. Learned counsel further contends that during the period of 17 days there was no dispute between the parties but subsequently a complaint was made to Superintendent of Police, Sonipat against the petitioner and other family members. On the basis of said complaint, the present FIR was registered initially under Sections 498-A, 323, 506, 34 IPC but subsequently Section 377 IPC was also added. The dispute between the parties is because of temperamental differences. The petitioner is highly qualified and presently posted as Assistant Manager with NTPC. Lastly, learned counsel for the petitioner submits that the petitioner is ready to join and cooperate with the investigation and nothing is to be recovered from him.

Mr. J.S. Dahiya, Advocate, has put in appearance on behalf of the complainant and submits that complainant was mentally and physically assaulted during the period of 17 days after marriage. Complainant was also medico legally examined at Government Hospital, Gohana and PGIMS, Khanpur Kalan on the orders of SDJM, Gohana. The doctor sent ruqa also to the police but no action was taken by the police. Learned counsel further submits that petitioner does not deserve concession of bail keeping in view the seriousness of the offence and custodial interrogation is required as dowry articles are yet to be recovered.

Heard the arguments advanced by learned counsel for the petitioner as well as learned counsel for the complainant and have also perused the allegations levelled in the FIR.

Specific allegations of demand of dowry as well as harassment in lieu of demand of dowry are there in the FIR. Complainant remained admitted in the hospital and after discharge she was again attacked and pressurized by the accused to bring a sum of ₹ 10 lacs and a car. A petition under Section 9 of Hindu Marriage Act is also pending before the

Family Court at Bhiwani.

During course of hearing, learned counsel for the complainant has shown some of the photographs of the complainant showing the injuries caused by the petitioner. Not only allegations of demand of dowry and causing of injuries are there but allegations of Section 377 IPC are also there. On perusal of allegations in the FIR as well as medical record and role attributed to the present petitioner, who is husband of the complainant, no ground is made out to grant anticipatory bail to the petitioner. The petition being devoid of any merit is hereby dismissed.

February 18, 2015
pooja

(DAYA CHAUDHARY)
JUDGE