

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No. M-5396 of 2014

Date of Decision:-7.1.2015

Ajay Bansal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR

Present:- Mr.Akshay Bhan, Senior Advocate, with
Mr.Gurinder Singh, Advocate for the petitioner.

Mr.J.S.Sekhon, AAG Punjab for the State.

Mr.Sumit Sharma, Advocate for the complainant.

Mehinder Singh Sullar, J. (Oral)

The petitioner has preferred the instant petition, for the grant of concession of pre-arrest bail, in a case registered against him, vide FIR No.14 dated 15.1.2014 (Annexure P1), on accusation of having committed an offence punishable u/s 498-A IPC by the police of Police Station Division No.1, Jalandhar.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition deserves to be accepted in this context.

4. As is evident from the record that in the wake of advertisement in newspaper, complainant Neetu Bansal d/o Vijay Kumar (for brevity “the complainant”) had gone to meet one Vikas for matrimonial relations, but she did not approve him for marriage. Consequently, talks of her marriage

were started with the petitioner. Ultimately, the marriage of complainant was solemnized with him on 22.5.2013. It was claimed that 3-4 days after the marriage, the petitioner started remaining out of the house and used to come in the mid night under the influence of some intoxicant. Thereafter, he started mis-behaving with the complainant. She was pressurized to give divorce to him. Petitioner and his other family members tried to take her signatures on some blank papers. On her refusal, she was turned out of her matrimonial home. They did not return all the jewellery articles given to them at the time of marriage by the parents of the complainant. Their marriage was stated to be a result of fraud and without disclosing the factum of previous marriage of the petitioner.

5. Leveling a variety of allegations and narrating the sequence of events in detail in the FIR, in all, according to the complainant that she was treated with cruelty by the petitioner and his family members. On the basis of complaint of the complainant, the present case was registered against the petitioner in the manner depicted here-in-above.

6. What cannot possibly be disputed here is that the complainant has nowhere stated in the FIR that any particular dowry articles were entrusted to the petitioner at the time of marriage, except that he did not return her gold ornaments. The learned counsel for the parties are ad idem that the petitioner has already handed over a draft of Rs.3 lacs to the complainant in lieu of price of alleged gold ornaments, which has already been encashed by her without prejudice to the rights of the parties on merits in the main case. Meaning thereby, nothing remains to be recovered from the petitioner. Moreover, it is not a matter of dispute that the complainant remained with the petitioner only for about a month in her matrimonial

home. Therefore, the kind and magnitude of cruelty by the petitioner during her stay in the matrimonial home, inter-alia, would be a moot point to be decided during the course of trial after receipt of evidence of parties by the trial Court.

7. Not only that, the interim bail was granted to enable the petitioner to join the investigation, vide order dated 13.2.2014 by a Coordinate Bench (Inderjit Singh, J.) of this court. At this stage, the learned State counsel, on instructions from the Investigating Officer, has acknowledged the relevant factual matrix and stated that the petitioner has already joined the investigation. He is no longer required for further interrogation at this stage. There is no history of his previous involvement in any other criminal case. The offence alleged against the petitioner is triable by the Court of Magistrate. Even since the prosecution has not yet submitted the final police report (challan) against him, so, the final conclusion of trial will naturally take a long time.

8. In the light of aforesaid reasons, taking into consideration the totality of the facts & circumstances, emanating from the record, as depicted here-in-before and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of main case, the instant petition for pre-arrest bail is hereby accepted and the indicated interim order granting bail to the petitioner is hereby made absolute, subject to compliance of conditions as envisaged under section 438(2) Cr.PC.

9. Needless to mention that nothing observed, here-in-above, would reflect on the merits of the main case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for

anticipatory bail only. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move an application for cancellation of his bail, in this relevant direction in this Court.

7.1.2015
AS

(Mehinder Singh Sullar)
Judge