

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

**CRM No. M-7045 of 2014
Date of decision: April 22, 2015**

Ashish Handa

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikram Chaudhri, Sr. Advocate with
Mr. Ishan Gupta, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Punjab.

Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate
for respondent No.2.

Jaspal Singh, J.(Oral)

Instant petition has been filed by Ashish Handa-petitioner seeking pre-arrest bail in case FIR No. 14 dated February 05, 2014, under Sections 406, 498-A IPC registered at Police Station Women Cell, Jalandhar.

2. Brief facts giving rise to the instant lis are that instant case was got registered by Neha Handa on the ground that her marriage was solemnized with petitioner on June 27, 2004 and at the time of marriage her parents had incurred approximately ₹75,00,000/- which included

₹45,00,000/- spent on diamond ornaments weighing 200 gms and gold ornaments weighing 700 gms; besides it, 48 silver glasses and other dowry articles including colour television, Air Conditioner, Furniture, Santro Car and other valuable articles depicted and details in the list annexed with the application were given. Since, petitioner as well as his parents and other family members were not satisfied with dowry. Considering that dowry brought by her is insufficient and inadequate, they started taunting and harassing her. Even, it was also stated by them that had they performed the marriage of their son with some other girl, they could have got Lancer luxury car and cash to the tune of ₹20,00,000/- as well as diamond sets for mother-in-law, sister-in-law and other members of family. Not only this, they put forth demand of Lancer luxury car as well as ₹20,00,000/- in cash but the parents of complainant showed their inability to meet with such a demand. However, a sum of ₹5,00,000/- was paid by the parents of complainant to the mother of petitioner with a request to deal with complainant in a proper and facile manner. Even the payment of ₹5,00,000/- could not satisfy the petitioner as well as his other family members and they kept on maltreating and beating the complainant. Not only this, at the time of birth of children, parents of the complainant gave lot of gifts including diamond ornaments weighing 200 gms and gold ornaments weighing 300 gms; besides, the cash amount. Even that could not pacify either the petitioner or his family members. Rather, complainant was maltreated on the ground that she has given birth to female children and put forth a demand of ₹10,00,000/- for each female child. When the complainant and her parents refused to meet with demand of ₹20,00,000/-

raised by the petitioner and his family members, she was thrown out of matrimonial home by giving severe beatings. On these lines FIR was registered and investigation was put into motion.

3. The contention of learned counsel for the petitioner is that a false story has been coined by the complainant in connivance with her parents. In fact, complainant was neither maltreated nor harassed on the ground of allegedly bringing insufficient or inadequate dowry nor she was ever harassed, maltreated or beaten either by petitioner or any of his family members. The real cause is that complainant developed extra marital affairs/relation with one Bhupinder Singh @ Timmy, which fact is evident from the call details available on file as well as facebook record. When petitioner asked her to refrain from extra marital affairs, she got infuriated and got the instant case registered against petitioner and his other family members. Otherwise, there was no dispute and couple was living happily. Two daughters were also born out of their wedlock who are now in the care and custody of petitioner.

4. It has further been contended by learned counsel for petitioner that earlier a complaint Annexure P-6 was lodged by father of complainant against petitioner as well as his mother, brother and sister-in-law but with the intervention of respectables, a compromise was arrived at between the parties. In pursuance of said compromise, entire dowry articles were taken by complainant. This fact is also evident from the writing recorded in this respect. Moreover, petitioner has already joined investigation. As such, he deserves the concession of pre-arrest bail.

5. Per contra learned State counsel and learned counsel for

respondent No.2/complainant have strongly opposed the petition and have submitted that there are serious and specific allegations against the petitioner, who is none else but husband of complainant. No doubt, marriage was solemnized approximately 10 years prior to the registration of FIR but in fact, right from the day of marriage neither petitioner nor his other family members were satisfied with dowry given at the time of marriage. Parents of complainant had spend approximately ₹75,00,000/- and gave lot of jewellery consisting of diamond, gold and silver; besides, other articles including electric appliances, furniture and valuable clothes etc. Even, a demand of Lancer luxury car as well as ₹20,00,000/- was also raised and number of times, demands put forth by petitioner as well as other family members were met with by parents of complainant.

6. It has further been contended by learned State counsel that matter, in fact, is that petitioner is a gambler. He hypothecated the gold jewellery worth ₹40,00,000/-, which he could not redeem it and had to be put on auction. Thus, no case is made out for grant of pre-arrest bail to the petitioner. Accordingly, they prayed to dismissal of instant petition.

7. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and have perused the record available on file.

8. Undisputably, marriage of complainant with petitioner was solemnized in the year 2004 i.e. more than 10 years prior to registration of FIR. The relation between the parties became strained just prior to lodging of complaint Annexure P-6 by father of complainant against petitioner as well as his mother, brother and sister-in-law. The matter was

patched up with the intervention of respectables and at that time dowry articles were allegedly received by complainant and writing to this effect was executed by her. It appears that relations between the parties have become strained due to involvement of complainant with Bhupinder Singh @ Timmy, with whom, she is alleged to have developed extra marital affairs. The call details also shows that there are/were regular talks in between complainant and afore-said Bhupinder Singh @ Timmy. The facebook record also fortifies this fact.

9. Here, it would be pertinent to mention that both the daughters were born after the marriage are, at present, in the care and custody of petitioner. No efforts appears to have been made by complainant to seek their custody.

10. During the pendency of instant petition lot of efforts were also made to get the matter patched up between the parties. Even, proceedings held before Mediation and Conciliation Centre of this Court for amicable settlement failed.

11. Taking into consideration the afore-said discussion but without expressing any opinion on the merits of this case, this Court is of the considered view that it would be in the fitness of things that instant petition should be allowed.

12. Accordingly, instant petition is allowed and petitioner is ordered to be released on bail to the satisfaction of the Investigating Officer in the event of arrest and in case of his appearance before learned trial Court or Illaqa Magistrate at its satisfaction subject to the following conditions:-

1. That he shall make himself available for interrogation by a

police officer as and when required;

2. That he shall 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 officer and;
3. That he shall not leave India without previous permission of the Court.

13. However, it is also made clear that any observation made by this Court shall have no binding effect on merits of the case and shall remain limited to the disposal of instant case.

April 22, 2015

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**(JASPAL SINGH)
JUDGE**