

CRM-M-8528-2015 (O&M)

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

**CRM-M-8528-2015 (O&M).
Decided on: December 8, 2015.**

Divesh Kumar

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

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CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.G.S.Verma, Advocate,
for the petitioner.**

Ms.Harpreet Kaur Athwal, DAG., Punjab.

**Mr.Gaurave Bhayya, Advocate,
for the complainant.**

M.M.S. BEDI, J. (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of his wife Anandna, alleging that she was married to the petitioner on 24.7.2012. A girl was born out of the wedlock. The petitioner and his family members used to maltreat, beat and torture the complainant on the pretext of brining insufficient dowry. There are allegations of demand of Car also. It is also alleged that he tried to hide himself from the complainant in order to perform second marriage and that the complainant has been thrown out of the matrimonial house.

The matter had been sent to the Mediation and

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Conciliation Centre of Punjab and Haryana High Court but a report has been received that the mediation could not be successful.

State counsel, on the instructions of ASI Hardeep Singh informs that the jewellery articles of gold weighing about 7 tolas are still to be recovered besides the cash which had been handed over to the petitioner.

Counsel for the petitioner has vehemently urged that the petitioner has been falsely implicated in the case and that he is ready to resume cohabitation but it is the complainant who is reluctant.

The said contention appears to be contrary to the observations of the Mediation and Conciliation Centre of Punjab and Haryana High Court where the matter could not be amicably resolved.

Since the efforts of mediation have already failed and the wife has been compelled to stay away from the matrimonial home along with minor child and the mere fact that the wife has been thrown out of the matrimonial home without any reasonable cause is good enough to, prima facie, establish the cruelty on the part of the petitioner. Jewellery articles of gold are yet to be recovered.

I have also considered the contention of counsel for the petitioner that it is not a case of custodial interrogation.

After going through the nature of the allegations and the facts and circumstances of the case, I am of the opinion that the

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petitioner cannot be granted the concession of pre-arrest bail as no extra ordinary exceptional circumstances exist in his favour.

The petition is dismissed without prejudice to the rights of the petitioner to seek concession of regular bail in accordance with law or to approach this Court again in case at any stage matrimonial dispute is amicably resolved between the parties.

(M.M.S.BEDI)
JUDGE

December 8, 2015.
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