

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

**CRM No. M-8846 of 2015 (O&M)
Date of decision: April 20, 2015**

Major Sandeep Sahi

.... Petitioner

Versus

UT Chandigarh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikram Chaudhri, Sr. Advocate with
Ms. Isha Goyal, Advocate
for the petitioner.

Ms. Ashima Mor, Advocate
for respondent No.1.

Ms. S.S. Ranghi, Advocate
for respondent No.2.

Jaspal Singh, J.(Oral)

Instant petition has been preferred by Major Sandeep Sahi under Section 438 Cr.P.C. seeking pre arrest bail feeling apprehension of arrest in case FIR No. 79 dated 12.02.2015 under Sections 406 and 498-A IPC, registered at Police Station Sector 34, Chandigarh.

2. The contention of learned counsel for the petitioner is that marriage of petitioner was solemnized with the complainant on January 19, 2014 at Occasion Resorts, Zirakpur. It was a simple one, performed by Sikh rites and ceremonies. Despite the fact that petitioner made all

efforts to provide the complainant with the material comforts, love, affection and warmth as a husband, the marriage between the couple ran into troubled waters primarily on the ground that complainant was not ready to adjust in the family and the lifestyle of petitioner who is an army officer. Immediately, after marriage the couple left to visit various relatives settled in Punjab and the complainant stayed with petitioner for not more than five months. Whereas, she only lived with the parents of petitioner for a few days at Mohali. By twisting the fact by levelling false allegations with regard to demand of dowry and causing harassment to the complainant, instant case was got registered. In fact, neither any demand of any valuable was made at any point of time nor the complainant was ever harassed either by petitioner or by his parents and other family members. The complainant has implicated all the family members of the petitioner including his un-married sister.

3. Dispute between the petitioner and complainant is that the petitioner was deputed for training to Indore from Hisar for 2 ½ months in the month of April 2014 where he could not take the complainant, as it was not a family station. Instead of understanding the difficulty, she started quarreling with the petitioner over phone. When he was away to Indore, complainant returned to Chandigarh and stayed with her in-laws for a period of only 10 days and thereafter, left the in-laws house and started staying with her parents at Chandigarh. Though, petitioner on return from Indore took the complainant with him at Hisar but suddenly on August 27, 2014 parents of the complainant accompanied by some other relatives came to Hisar and in the absence of petitioner, complainant left in the

company of her parents and did not return.

4. It has further been contended by learned counsel for the petitioner that petitioner has already joined the investigation on March 05, 2015 and had got recovered all the articles/gifts given to him as well as complainant at the time of marriage . So in the given circumstances the custodial interrogation of the petitioner is not at all required. Even otherwise, it is well settled principle of law that courts would lean in favour of grant of pre arrest bail as the arrest should be restricted to exceptional cases of serious magnitude where the custodial interrogation is imperative. He is ready to join the investigation as and when required by investigating agency and also abide by all the terms and conditions imposed by this Court, in case he is granted the concession of pre arrest bail.

5. These arguments have been controverted by learned counsel for UT Chandigarh and learned counsel for the complainant contending that neither petitioner nor his parents and other family members were satisfied with the dowry given at the time of marriage. She was rebuked, thrashed and harassed for bringing insufficient dowry. No doubt some of the articles have been got recovered by the petitioner on March 05, 2015, details of which have been mentioned in the recovery memo dated March 05, 2015 but the other articles i.e. gold and silver ornaments, gold jewellery including bridal set, kundan set, bangles, diamond set, navrattan set, details of which have been also furnished to the investigating agency are still required to be recovered. The value of which was not less than ₹80,00,000/-. Moreover, harassment caused to the complainant by the petitioner telephonically fortifies the version of complainant. The

transcription of which has been annexed with the file and copy of the same has been supplied to the investigating agency. Since the recovery of gold ornaments and other articles are still to be effected, the custodial interrogation of the petitioner is essential. Moreover, petitioner is not cooperating and does not deserve the concession of pre arrest bail.

6. This court has given a deep thought to the aforesaid submissions made by learned counsel for the parties and have perused the file.

7. Undeniably, marriage of petitioner with complainant was solemnized on January 19, 2014 and immediately after marriage the relations between the parties became strain. Petitioner is the husband of complainant and he must be aware about the root cause as to why their relations have become strain and their marriage has ran into troubled water. She levelled specific allegations that even on the day of reception i.e. January 20, 2014, petitioner misbehaved with her real brother while he was hugging her and rebuked him by saying “oye get lost your sister is my property now”. Even during her short stay at Hisar with petitioner and subsequent thereto, with her in-laws at Mohali, she was allegedly tortured and and taunted.

8. From the documents available on file, it appears that it would not a simple marriage rather huge amount was incurred by the parents of complainant at the time of marriage and sufficient dowry articles in the shape of valuable clothing, gold jewellery and furniture etc were given. Large number of bills have also been placed on file in this regard. So, one thing is evident that dowry articles are still required to be recovered, which

is only possible through custodial interrogation.

9. This Court is further of the view that in the absence of interrogation of the petitioner the investigation of this case is likely to stultified.

10. Accordingly, instant petition is dismissed.

April 20, 2015

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**(JASPAL SINGH)
JUDGE**