

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-33214 of 2015

DATE OF DECISION: 23.04.2016

Khalsa Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Anandeshwar Gautam, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Jatinder Pal Singh, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to petitioner-Khalsa Singh in case FIR No.26 dated 27.07.2015 registered under Sections 498-A and 406 of Indian Penal Code at Police Station Women Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that it was a simple marriage and no dowry was given at the time of marriage. All the allegations levelled in the FIR are concocted and no offence is made out against the petitioner. Learned counsel further contends that only one gold *Karha* was given to the petitioner at the time of marriage and he is ready to

hand over the same to the complainant. Learned counsel for the petitioner has also relied upon the judgments of this Court in **Errol Rodrigues vs. U.T. Chandigarh and another, 2000(1) HLR 711** and **Beant Singh and another vs. State of Punjab, 2011 (2) RCR (Criminal) 381** in support of his contentions.

Learned counsel for the respondent-State submits that the petitioner was asked to join the investigation and cooperate with the same but in spite of giving direction by this Court, he has not cooperated with the investigation.

Learned counsel for the complainant submits that a list of dowry articles along with bills was given to the Investigating Officer and in spite of giving an opportunity by this Court, the petitioner has not cooperated with the investigation and nothing has been recovered from him. Learned counsel for the complainant has also relied upon the judgments of this Court in **Pankaj Verma vs. State of Punjab and another, 2013(7) RCR (Criminal) 1897** and **Ullas Kapoor vs. State of Punjab, 2014(4) Law Herald 2953** in support of his contentions.

Heard the arguments advanced by learned counsel for the parties and have also gone through the allegations levelled in the FIR.

A perusal of the FIR clearly shows that specific allegations of demand of dowry and harassment are there against the petitioner. While issuing notice of motion, the petitioner was directed to join the investigation and thereafter, again on the next date of hearing, an opportunity was given to him to join investigation and to cooperate with the same but in spite of giving direction by this Court, he has not cooperated with the investigation and no recovery could be effected from him.

Admittedly, it cannot be said at this stage as to whether all the allegations levelled in the FIR are correct or not and the same can be seen

during trial but in case, some articles were handed over to the accused party at the time of marriage and proper receipts are also there then simple denial is not a ground to grant anticipatory bail to the petitioner as it cannot be claimed as a matter of right. On two occasions, the petitioner was directed to join investigation and cooperate with the same but still he has not cooperated with the investigation and nothing has been recovered from him. Simple joining of investigation is not merely a formality for grant of anticipatory bail. When the petitioner has failed to comply with the orders passed by this Court and has also not cooperated with the investigation, he does not deserve the concession of anticipatory bail.

Accordingly, there is no merit in the contentions raised by learned counsel for the petitioner and the petition being devoid of any merit is hereby dismissed.

April 23, 2016
pooja

(DAYA CHAUDHARY)
JUDGE