

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

-.-

Crl. Misc. M 13686 of 2016
Date of decision: 27.03.2017

Gursewak Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sherry K Singla, Advocate
for the petitioner

Mr. Ankur Jain, AAG, Punjab

Mr. B S Aulakh, Advocate
for the complainant

-.-

Rekha Mittal, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No. 0024 dated 19.02.2016 for offence punishable under Sections 498-A and 406 read with Section 34 of the Indian Penal Code (in short, 'IPC') registered at Police Station City Malout, District Shri Mukatsar Sahib.

Counsel for the petitioner has submitted that the petitioner has already joined investigation in compliance with interim bail granted by this Court and is ready to face the proceedings in accordance with law.

On 09.01.2017, counsel for the complainant/respondent No. 2 had submitted that the petitioner has neither permitted recovery of dowry articles nor paid maintenance to the wife and two minor children. Counsel for the petitioner prayed for time to seek instructions with regard to payment

of maintenance and to make submissions with regard to recovery of dowry articles. Later, counsel for the petitioner again sought time to get in touch with mother of the petitioner in order to say something with regard to payment of arrears of maintenance and return of original certificates of the complainant.

It is argued that though mother of the petitioner is present in the Court but she has neither brought any money for payment of arrears of maintenance nor agrees for rehabilitation of the complainant in the matrimonial home. It is vehemently argued that keeping in view conduct of the petitioner causing cruelty in connection with demand of dowry and misappropriating articles of *istridhan* of the complainant as well as his failure to provide maintenance for the wife and the children, forcing them to reach the stage of vagrancy and starvation, the petitioner is not entitled to pre arrest bail, a concession to be allowed by the Court.

Counsel for the petitioner, in response, has submitted that the petitioner is ready to settle the dispute by making one time settlement towards maintenance and permanent alimony but he does not agree for rehabilitation of the complainant in the matrimonial home.

I have heard counsel for the parties and perused the records.

The complainant has raised specific allegations against the petitioner-husband that she was subject to beatings on account of demand of dowry and was eventually thrown out of the matrimonial home along with two minor children born out of the wedlock. Not only this, the petitioner filed a petition for divorce by invoking Section 13 of the Hindu Marriage Act, 1955 (in short, 'the Act') and in the proceedings, the respondent-wife

and the minor children were allowed maintenance under Section 24 of the Act. The petitioner-husband failed to pay maintenance and even went to the extent of transferring his land measuring 8 acres in favour of his mother that appears to be an effort to escape liability to pay maintenance to his family.

Taking into account overall conduct of the petitioner, he has rendered himself disentitled to concession of pre arrest of bail, to be allowed by the Court in the cases where a person has been indicted in the criminal proceedings due to political vendetta or for such other similar cause.

For the foregoing reasons, the petition fails and is accordingly dismissed.

(Rekha Mittal)
Judge

27.03.2017
mohan bimbira

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No