

Criminal Misc. M- No. 13662 of 2017 (O&M)

Date of decision : July 24, 2017

Neeraj Kumar

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sandeep Moudgil, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Arpan Sabharwal, Advocate
for respondent No. 2.

LISA GILL, J.

The petitioner prays for concession of anticipatory bail in FIR No. 11 dated 23.03.2017 registered under Sections 406/498 IPC at Police Station Women Cell, Jalandhar.

It is submitted that the above said FIR was registered against the petitioner along with four other family members. However, the police on investigation found the allegations to be incorrect qua the other four persons named in the FIR. It is contended that the present is a case of temperamental differences between the parties. No demand of dowry was ever raised by the petitioner or his family members. It is submitted that the marriage between the petitioner and respondent No. 2 was solemnised on 18.02.2012. Both of them were known to each other prior to marriage for almost 2½ years. Marriage between the parties was a love marriage performed with the consent of their respective family members. Present FIR has been registered

in February, 2017. Furthermore, respondent No. 2 left the matrimonial home on 14.09.2014 and the present FIR has been lodged on 23.02.2017. No allegations regarding demand of dowry were ever raised by the complainant in the interregnum. Efforts were made by the petitioner to amicably resolve the dispute with respondent No. 2 but to no avail. A divorce petition was also filed by the petitioner. The above said FIR has been registered only with a view to pressurise the petitioner and his family. It is further submitted that the petitioner has joined investigation and entire articles of dowry lying with him have been returned. Therefore, this petition be allowed.

It is to be noted that the matter was placed before the Mediation and Conciliation Centre of this Court to explore the possibility of an amicable settlement of the entire dispute. However, as per report of the Mediator, parties could not arrive at any amicable settlement.

Learned counsel for the State, on instructions from ASI Jagjit Singh verifies that the petitioner has joined investigation pursuant to order dated 24.04.2017. Recovery of articles has been effected except certain clothes and one refrigerator.

Learned counsel for the complainant while admitting that some jewellery was recovered, submits that the jewellery articles returned are not the ones which were actually handed over at the time of marriage. Learned counsel for the petitioner disputes the same and submits that all articles including jewellery as received, were returned. The refrigerator was in fact taken by the complainant four years ago. Be that as it may, articles returned, allegedly being different from the ones handed over at the time of marriage cannot be a ground to deny bail to the petitioner.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 24.04.2017 is made absolute.

July 24, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No