

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

CRM-M-13960-2017 (O&M)

Date of decision : 31.08.2017

Bhavneet Singh Hayer @ Bhavneet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate,
with Mr. Najees Ahmad, Advocate,
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab,
assisted by ASI Krishan Singh.

Mr. Parminder Singh, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure, in FIR No.11 dated 24.03.2017, registered under Sections 498-A and 406 of the Indian Penal Code (for short, 'the IPC) at P.S. Women, Distt. Bathinda.

It is contended that the FIR dated 24.03.2017 is counter-blast to the divorce proceedings lodged by the petitioner. There is no specific allegation against the petitioner. Only general allegations qua the petitioner-husband and in-laws of the complainant regarding cruelty on account of demand of dowry have been levelled. With similar allegations, the parents of the petitioner have already been enlarged on bail. The complainant left the matrimonial home on 09.09.2015. There is no

allegation of entrustment against the petitioner. Even as per the pleadings, entrustment, if any, was to the in-laws/parents of the petitioner.

On the other hand, learned State counsel has opposed the prayer made. It is stated that the vehicle make Toyota Corolla which was purchased in the name of the petitioner and payment whereof was made through cheque of Rs.15.44 lakh by father of the complainant, is still in the name of the petitioner. Out of 85 tolas gold, recovery of only 7 tolas has been got effected.

Heard.

As per the record, the petitioner owns approximately 15 acres of land, whereas, the family holds approximately 45 acres of land. The petitioner or his father are not ready to transfer any part of the land either in the name of the complainant-wife or the child.

Considering the document on record in the shape of copy of cheque in the name of the automobile company towards cost of the vehicle which stands registered in the name of the petitioner, the allegations at this stage cannot be said to be misconceived. The stand taken before this Court that the petitioner is not ready to transfer any piece of land either in the name of the complainant or the son of the couple also explains the mindset of the petitioner, which renders him disentitled for the relief sought.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion, on the merits of the case.

31.08.2017

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No