

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

Criminal Misc. No. M- 22021 of 2016 (O&M)

Date of decision : November 01, 2017

Harinder Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Bal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate
for the complainant.

LISA GILL, J.

The petitioner seeks the concession of anticipatory bail in FIR No. 0063 dated 17.05.2016 under Sections 497, 498A, 406, 323, 324, 506, 34 IPC registered at Police Station City, District Gurdaspur.

The petitioner is the husband of the complainant. As per the allegations in the FIR, marriage between the petitioner and the complainant was solemnised on 15.09.2002. The petitioner as well as the complainant are teachers serving the State of Punjab. It is averred that right from the very beginning the petitioner used to physically abuse the complainant on the pretext of dowry. Dowry articles - Air Conditioner, Yamaha motorcycle, refrigerator, washing machine etc. including gold ornaments were given at the time of marriage. The petitioner, however, physically abused the complainant, demanding a

big car in dowry. It is further stated that the complainant was turned out of her matrimonial home on various occasions but due to intervention of respectable and influential persons, she was re-settled in her matrimonial home. Two children were born out of this wedlock. The petitioner's behaviour still did not improve. It is stated that the petitioner returned home on 23.04.2016 at about 4.00 p.m. and threatened the complainant that in case she did not bring a car from her parents, he would remarry. When the complainant protested, he took out a sickle lying in the house and inflicted an injury on her left ring finger. In the meantime, the petitioner's friend, 'Gill' resident of Gopal Nagar, arrived. He picked up a baseball bat lying in the house and hit her on the waist on the petitioner's asking and direction. The complainant fell down but she was still assaulted by the petitioner and his friend. When she raised hue and cry, both of them proceeded to the terrace of the house. The complainant rang up her father, who took her to the Civil Hospital where she received treatment. It is further stated that the petitioner maintained illicit relations with one Gurleen Kaur and when the complainant protested, he would throw her out of the matrimonial home. Efforts were again made for rapprochement but proved futile. On the basis of said allegations, the above said FIR was registered.

Interim relief was afforded to the petitioner in this case at the time of issuance of notice of motion. Parties were directed to appear before the Mediation and Conciliation Centre of this Court. A

compromise was arrived at between the parties on 23.08.2016. It was agreed that the petitioner would take the complainant alongwith their two minor children to the matrimonial home at Gurdaspur on 08.11.2016. It is to be noted that both the petitioner and the complainant are working as ETT teachers at Gurdaspur. However, the petitioner instead of taking his wife and her children to the matrimonial home, issued a legal notice to the complainant stating that certain articles including ₹5 lakhs, original stamp papers of an agreement of a plot, original sale deed of a house and original documents of plot with PUDA, original academic certificate of the petitioner and certain gold ornaments be returned to him and only thereafter she would be rehabilitated in the matrimonial home. An attempt for reconciliation was made yet again. The matter was again placed before the Mediation and Conciliation Centre of this Court. However, mediation between the parties was not successful. It is noted by this Court on 06.03.2017 that the petitioner expressed a desire to live at Mukerian with the complainant and her children instead of Gurdaspur where both of them were working. The matter was again adjourned to enable the parties to reconcile their difference. The petitioner undertook to deposit the entire arrears of maintenance due, as assessed in the proceedings under Section 125 Cr.P.C. However, the entire arrears were not deposited.

Learned counsel for the State on 13.07.2017 informed that though the petitioner had joined investigation, no recovery was effected. It was vehemently contended by learned counsel for the petitioner before this Court on 13.07.2017, that it was a simple

marriage and no article was received but when the petitioner, present in Court was pointedly asked, the petitioner admitted that a motorcycle was received at the time of marriage. The matter was adjourned on request of learned counsel for the petitioner seeking one more opportunity to the petitioner to return all dowry articles, which may be lying with him. The said dowry articles and motorcycle were admittedly not returned.

The petitioner thereafter on 07.09.2017 submitted that to show his bona fides he would submit FDRs to the tune of ₹1,50,000/- in favour of his two minor children with the complainant as guardian/nominee by the next date of hearing i.e. 26.10.2017. The said FDRs as above were not furnished and the matter was adjourned for today on request of learned counsel for the petitioner.

Today, learned counsel for the petitioner, on instructions from his client who is present in Court, submits that his client is ready and willing to deposit only a sum of ₹66,000/- in favour of the minor children and no more, though he is willing to offer a post dated cheque of another sum of ₹40,000 in favour of his son.

I have heard learned counsel for the parties.

It is apparent that the petitioner is trying to misuse the process of law. Interim order was granted in his favour. The petitioner agreed to reconcile the matter on various occasions but has backed out thereafter. He has sought numerous adjournments on one pretext or the other. The conduct of the petitioner clearly lacks bona fides and disentitles him from the concession of anticipatory bail.

Keeping in view the facts and circumstances of the case,
this petition is dismissed.

It is reiterated that none of the observations made herein
above are a reflection on the merits of the case and shall have no
bearing on the trial.

November 01, 2017
rts

(Lisa Gill)
Judge

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