

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

Crl. Misc. M-21559 of 2017 (O&M)
Date of Decision: September 26, 2017

Yatin Batra

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Akashdeep Singh, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

Mr. Sunil K. Nehra, Advocate
for respondent No.2-complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.114 dated 10.05.2017, under Sections 498-A, 406, 506, 34 of Indian Penal Code, registered at Police Station Women Gurugram.

In brief, the facts are that the aforesaid FIR was registered at the behest of the complainant, alleging that as per Hindu rites and ceremonies, a marriage took place between complainant Madhuri Satija with Yatin Batra on 16.01.2016. However, immediately after the marriage, the husband and her in-laws harassed and tortured her for bringing inadequate dowry. It was further alleged that the husband Yatin Batra took

the complainant to Singapore, but did not establish any physical relation with the complainant until and unless, the demand of Rs.1 crore was met. Ultimately, within a period of three months of the marriage, the complainant was turned out of her matrimonial home.

The anticipatory bail application was dismissed by the Addl. Sessions Judge, Gurugram vide order dated 05.06.2017, after giving an opportunity to the party to mediate.

Against dismissal of his anticipatory bail application, the petitioner, who is the husband of the complainant, approached this court contending that the petitioner is open to any settlement in the matter, therefore, prayed that the matter be referred to the Mediation and Conciliation Centre of this Cour. While directing the parties to appear before the Mediator, interim bail was granted to the petitioner.

During the pendency of the petition, certain recoveries were made however, on the ground that entire *istridhan* dowry articles and gold ornaments have not been returned to her, respondent No.2-complainant refused to accept the same in piecemeal. Complainant through her counsel submitted that the main jewellery articles, which had sentimental value to her since they belong to her maternal side of the family, had not been returned.

Per contra, learned counsel appearing on behalf of the petitioner submits that the entire gold ornaments have been returned to the complainant, as would be evident from the photographs that she is wearing the same. It is contended that she had gone to attend the family wedding of her parental side and had taken her gold ornaments and nothing is to be

recovered.

This fact is countered by counsel for respondent No.2-complainant stating that though she had taken some of the items to attend the wedding ceremony, but on return back to her matrimonial home, the same had been taken back by the in-laws.

On this, a categoric stand had been made by counsel for the petitioner that all gold articles are in the custody of the complainant. However, this plea stands falsified from the fact that on the directions of this court, a locker which was in the joint name of the petitioner and the complainant was opened by the Investigating Officer and certain gold items were found therein, which were returned to the complainant.

At this stage, counsel for the petitioner has offered to deposit the value of the balance amount in gold in the form of cash, which would be given to the complainant in case, she is successful in the FIR that has been registered, which offer has been declined by the complainant. While arguing the bail application, counsel for the petitioner relies upon decision of the Hon'ble Supreme Court in ***Rajesh Sharma and others vs. State of U.P. and another, Criminal Appeal No.1265 of 2017***, decided on 27.07.2017 and of this court in ***Bhupinder Singh etc. vs. State of Punjab, 2014(2) RCR (Criminal) 109*** and ***Beant Singh and another vs. State of Punjab, 2011(2) RCR (Criminal) 381***.

On this, counsel for the complainant contends that the petitioner had obtained the interim bail only by submitting that he was ready to settle all disputes amicably, however, the conduct of the petitioner would not entitle him to grant the concession of anticipatory bail.

I have heard counsel for the parties.

Admittedly, these proceedings have arisen out of an FIR that was registered under Sections 498-A, 406, 506, 34 of Indian Penal Code. It is an admitted fact that the marriage took place between the petitioner and the complainant on 16.01.2016 and within a period of three months, the complainant has been turned out of the matrimonial home. It is also not in dispute that the marriage, as on date, has not been consummated. It is further alleged that the petitioner herein had demanded a sum of Rs.1 crore before he would develop any physical relationship with the complainant. It is also noted by this court that the petitioner herein had made an offer to settle all the disputes and had prayed that the matter be referred to Mediation Cell, which offer does not seem to have been genuine. The complainant herein has not claimed anything in the form of any permanent alimony or other maintenance and was only interested in the return of her dowry articles, which were handed over from her maternal side.

An argument has been raised by counsel for the petitioner that he would be ready and willing to deposit the cash amount, which would be amount of the value of the gold, however, a rider has been put to it that it would be subject to final decision of the proceedings under the FIR. The fact that despite a statement having been made that all dowry articles had been taken by the complainant and there is nothing in their possession seems to be belied, because certain gold ornaments have been recovered from the locker, which locker was in the possession of the petitioner.

It is true that proceedings under Section 438 Cr.P.C. are not the means to effect recoveries and recoveries that may be due, would not dis-

entitle the petitioner to the concession of anticipatory bail. But at times, it seems that only to avoid arrest, after bail has already been denied, statement is made that a party is ready to settle, which statement is not genuine.

Keeping in view the peculiar facts and circumstances of the present case and particularly the conduct and adamant stand of the petitioner in not settling the dispute, despite having made an offer at the very first instance while seeking the interim protection, this court is not inclined to grant him concession of anticipatory bail.

In view of the above, the petition in hand stands dismissed. Needless to say, the interim protection granted to the petitioner by order dated 09.06.2017 stands vacated automatically.

Anything observed hereinabove, shall have no affect on the merits of the case.

September 26, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No