

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

Crl. Misc. M-31675-2016 (O&M)
Date of Decision: November 16, 2017

Surinder Pal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Lali, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

Complainant in person.

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 case FIR no.69 dated 10.06.2016, under Sections 406, 498-A of Indian Penal Code, registered at Police Station Women, Ludhiana.

In brief, the facts of the case are that the instant FIR came to be registered by the petitioner's wife on the allegations that she had been turned out of her matrimonial home on account of demand of dowry. In the FIR, it was contended that the matter was patched up on the intervention of respectable members of the society, with an assurance that they would not harass her in future. On account of the compromise that had been effected, an application that had been filed before Commissioner of Police, was

withdrawn. However, the harassment and physical abuse continued and she was once again turned out of her matrimonial home, which resulted in an FIR being registered under Sections 406, 498-A of Indian Penal Code.

The anticipatory bail application came to be dismissed by the Addl. Sessions Judge, Ludhiana taking note of all these facts and by noting that dowry articles have not been returned so far.

Before this court, a request was made by counsel for the petitioner that the matter should be referred to the Mediation and Conciliation Centre of this court for an out of court settlement and on the basis of this statement made, the petitioner was directed to join the investigation and his arrest was stayed. The mediation process failed and a coordinate Bench of this court again tried to resolve the matter, which eventually failed.

Counsel appearing on behalf of the complainant submitted that apart from there being no recovery of any dowry articles, the petitioner is not making payment under Section 125 Cr.P.C. as well, on which a statement was given in this court that the balance amount of maintenance would be brought in favour of the complainant-wife and minor child. Since the said order was not complied with, further time was given to the petitioner to make good the maintenance amount as well as to pay an additional amount of Rs.1000/- to the complainant-wife, on account of her travelling expenses to and fro to Ludhiana.

This matter was taken up and the petitioner herein who is present in court has not brought forth the maintenance amount, which is due to the complainant-wife nor has brought the sum of Rs.1000/- that was to be

paid in terms of the previous order as travelling expenses to the complainant-wife. Another effort has been made by this court to ensure that there is compliance of earlier order, but the petitioner is not forthcoming as to when he would clear the maintenance amount as assessed under Section 125 Cr.P.C. It is also informed to this court that recovery of gold articles is yet to be effected.

I have heard learned counsel for the parties, apart from perusing the record.

The grant of anticipatory bail is a discretionary relief and the conduct of the petitioner has to be seen as well. This court in a matter of simple recovery would not have denied the relief of anticipatory bail to the petitioner. But in the instant case, the petitioner himself does not seem either to want to settle the matter and pay maintenance or return the dowry articles. A reading of the FIR would go on to show that there are serious allegations that have been levelled against the petitioner. The petitioner kept on torturing and harassing the complainant, till such time she remained in her matrimonial home for the demand of dowry. What is important to see in the instant case is the conduct of the petitioner. Despite granting number of sufficient opportunities by this court, the petitioner has not cleared the maintenance that has been awarded to the complainant and minor child under the proceedings under Section 125 Cr.P.C. Even the travelling expenses of Rs.1000/-, which were ordered to be paid to the complainant by an order dated 02.11.2017, have not been paid. Today also, the complainant has come from Ludhiana in order to collect the maintenance amount and travelling expenses, but the same has not been paid, despite the petitioner

being present in court.

In view of the peculiar facts and circumstances of the present case and seriousness of the allegations that have been levelled, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioner. Accordingly, the petition in hand is hereby dismissed, being devoid of any merit.

However, anything observed hereinabove shall have no affect on the merits of the case, which is only for the purpose of deciding the anticipatory bail application.

November 16, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No