

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

CRM-M-30951-2017

Date of decision: 12.9.2017

Gagandeep Joshi alias Gagandeep Sharma alias Deepu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.SS Swaich, Advocate for the petitioner

Mr.AS Gill, Sr.DAG, Punjab
assisted by ASI Jaspal Singh

Mr.TP Singh, Advocate for respondent No.2- complainant

JITENDRA CHAUHAN, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case First Information Report No.44 dated 8.6.2017 registered under Sections 498A, 506, 323 and 120-B of the Indian Penal Code at Police Station Sherpur, District Sangrur.

Learned counsel for the petitioner -husband contends that the First Information Report does not contain specific allegation with regard to demand of dowry. Only general and vague allegations have been levelled against the petitioner.

On the other hand, learned counsel for respondent No.2 has placed on record copy of affidavit dated 24.2.2017, which is taken on

record as Mark 'A' to contend that in fact a compromise had been effected between the parties, wherein apart from admitting his fault, the petitioner has testified that parents of respondent No.2 had spent a sum of Rs.20 lakh on marriage of respondent No.2 and the petitioner.

However, at this stage, learned counsel for the petitioner on instruction submits that the aforesaid affidavit Mark 'A' was obtained under the pressure and duress by the complainant. The petitioner has also moved an application before the police in this regard.

Learned State counsel informs that the recovery of dowry articles are yet to be effected.

Heard.

Considering the fact that the recovery of dowry articles is yet to be effected; the allegations levelled in the First Information Report and in view of the change of stance by the petitioner, he does not deserve the concession of anticipatory bail. As such, the present petition fails and is hereby dismissed.

However, anything stated hereinabove shall have no bearing on the merit of case.

12.9.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No