

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

Crl. Misc. M-31820 of 2016 (O&M)
Date of Decision: November 08, 2017

Manjeet A Mansukhani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Chananpreet Singh, Advocate for
Mr. B.S. Kathuria, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG Punjab.

Mr. B.D. Sharma, Advocate
for the 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 and for directions to the Arresting Officer to release the petitioner in the event of his arrest in FIR No.82 dated 21.07.2016, registered under Sections 406, 498-A of Indian Penal Code at Police Station Women, Ludhiana City, District Ludhiana.

In the instant case, the marriage of the petitioner was solemnized with complainant-Silky Sethi @ Suman M. Mansukhani on 07.07.2007 at Ludhiana, as per Hindu rites and ceremonies. However, the same did not survive the test of time, which resulted in registration of the

instant FIR against the petitioner with the allegations of demand of dowry, harassment and misappropriation of funds of the complainant and her family members. After the registration of the FIR, the petitioner herein approached the Addl. Sessions Judge, Ludhiana for grant of anticipatory bail, which came to be rejected. However, the Addl. Sessions Judge, Ludhiana allowed the bail application qua mother-in-law. The petitioner herein has approached this court seeking anticipatory bail.

On the request of the parties, the matter was referred to the Mediation and Conciliation Centre of this Court, to resolve the matter by an order dated 28.09.2016, on which date, the petitioner was also directed to pay litigation expenses of Rs.25,000/- to the complainant. The petitioner handed over a cheque of Rs.25,000/- to the complainant on 19.01.2017, however, the mediation was not successful.

This court noticed the argument raised by the Investigating Officer that the petitioner was not cooperating with the investigating agency and on that basis, the petitioner was given an opportunity to appear before the Investigating Officer and make his submissions there. Since the allegations had been raised that there was misappropriation of funds, the Investigating Officer was also directed to verify the bank statements of the petitioner, in order to find out whether or not, money had been transferred into the account of the petitioner from the account of the complainant or her father. Pursuant to the said order, the petitioner as well as complainant appeared before the Investigating Officer to submit the relevant papers.

The matter was taken up on 08.09.2017, on which date, this court was informed that investigation in the matter had been held and after

verification of the bills and other entries, it transpired that an amount of Rs.36,72,260/- was accounted for as due and payable to the complainant. It was also mentioned that there were certain amounts, which were not reconciled i.e. amount Rs.5,11,000/- and Rs.2,45,000/-. It was also noticed that there was 1 kg and 211 grams of gold of which bills have been verified and yet to be recovered. A copy of the said affidavit was handed over to counsel for the petitioner.

Counsel for the petitioner submits that the petitioner since has joined the investigation and therefore, the interim protection granted to him should be confirmed.

Per contra, learned counsel appearing on behalf of the complainant submits that the very conduct of the petitioner does not warrant that any discretion should be exercised in his favour. It is pointed out that the petitioner has misappropriated the amount, as submitted by the Investigating Officer, who had given the liberty to the petitioner to come forth with all his documents. It is also brought to the notice of the court that after an order had been passed by this court to deposit the litigation expenses, the petitioner had withdrawn the amount from the bank account of the complainant herself and had furnished the said amount to her as litigation expenses. It is prayed that the instant petition should be dismissed.

I have heard counsel for the parties.

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. However, apart from the allegations of demand of dowry, cruelty, harassment etc., in the instant case, there are specific allegations of misappropriation of funds by the petitioner and on verification of bills and other entries by the Investigating Officer, it came out that a sum of Rs.36,72,260/- is still due and payable to the complainant. Not only this, there are certain other amounts, which were not reconciled. Furthermore, there is 1 kg and 211 grams of gold of which bills have been verified by the Investigating Officer and the said gold is yet to be recovered. Apart from all this, what is interesting to see in the instant case is the conduct of the petitioner. This court is apprised about the fact that when this court directed the petitioner to pay litigation expenses to the complainant, he had withdrawn the amount of litigation expenses from the bank account of the complainant herself and had furnished the said amount to her as litigation expenses in the court.

Keeping in view the peculiar facts and circumstances of the present case and conduct of the petitioner, this court is not inclined to grant him the discretionary relief of anticipatory bail.

In view of the above, the petition in hand is hereby dismissed.

Anything observed hereinabove is only for the purpose of deciding the anticipatory bail application and not to be construed as an opinion merits of the case.

November 08, 2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No