

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

Crl. Misc. M 31528 of 2017 (O&M)
Date of decision: 8.12.2017

Sanchit Gupta

...Petitioner

Versus

Union Territory, Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. A.K. Rana, Advocate
for the petitioner.

Mr. Gautam Dutt, Additional Public Prosecutor,
Union Territory, Chandigarh.

Ms. Alka Sarin, Advocate,
for the complainant.

JAISHREE THAKUR, J.

1. This criminal miscellaneous petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 49 dated 03.06.2017 under Sections 406/498A of IPC at Police Station Women, Sector 17, Chandigarh.

2. In brief the facts are, that FIR No. 49 dated 03.06.2017 under Sections 406/498A of IPC was registered at Police Station Women, Sector 17, Chandigarh, at the behest of Sh. Anoop Kumar alleging that the marriage was solemnized between the petitioner Sanchit Gupta and Palak Jain, daughter of the complainant on 26. 11.2015. The matrimonial alliance

matrimonial website www.shaadi.com. The families met and it was informed that Sanchit Gupta, the petitioner, has a M.D.S. degree and has a government job in the Haryana government. Apart from that, they were informed that he is in owner of a four-bedroom flat, a shop in upscale area of South Delhi, where he proposed to open a clinic. The complainant's party was informed that Sanchit Gupta also has a ranch in United States of America. At the time of the wedding, an amount of approximately ₹60 lakhs was spent which would include dinner and stay at a five-star hotel, namely JW Marriott. Demand for car was made and a sum of ₹10 Lacs was handed over on 17.11.2015. Despite a lavish wedding, the daughter of the complainant was not treated with love or affection on account of bringing inadequate dowry. Moreover, apart from ill treating Palak Jain, it came to the knowledge that a fraud had been played upon the daughter in so far as Sanchit Gupta did not have a government job, neither did he own any ranch in USA, and he was in an extramarital relationship.

3. After the registration of the FIR, apprehending arrest the petitioner approached the Additional District and Sessions at Chandigarh for grant of pre-arrest bail. It was alleged that all information was supplied to the complainant and his daughter regarding the qualifications of the petitioner at the time of the marriage, however, the complainant's daughter left the matrimonial home of her own accord, which compelled the petitioner to file a petition under Section 9 of the Hindu Marriage Act, which is still pending adjudication. It was contended that the petitioner would be entitled to grant of pre-arrest bail.

4. The matter was investigated and the learned Additional Public Prosecutor contended that the petitioner with dishonest intention had created his profile on a matrimonial site giving incorrect particulars, which had been removed from the site, after the dispute arose between the parties. In this background, the Additional Sessions Judge, Chandigarh, declined to grant of pre-arrest bail. Aggrieved the instant petition has been filed.

5. Learned counsel appearing on behalf of the petitioner contends that the petitioner is always ready and willing to settle the matrimonial dispute. This fact has been controverted by the learned counsel appearing on behalf of the complainant, who argues that the petitioner herein is an unreliable person having played a fraud upon the complainant and his daughter by putting incorrect matrimonial details on the website. It is also contended that the petitioner herein mentally and physically harassed Palak Jain on account of inadequate dowry and should not be entitled to grant of anticipatory bail.

6. I have heard the counsel for the parties.

7. At the very outset, when the matter was came up for hearing before this court, learned counsel for the petitioner submitted that there had been talks of mediation before the Additional Sessions Judge, Chandigarh, which failed. Learned counsel for the petitioner submitted that the petitioner would still be ready to settle the dispute amicably and to show his bona fide would deposit a sum of ₹20 lakhs with the Registry of this court within a period of 15 days. It was also submitted that certain dowry articles had been recovered by the Women Cell and the list of the same is attached as

Annexure P/4. Notice of motion was issued for 10.10.2017 with a direction to the petitioner to deposit a sum of ₹20 lakhs with the Registry of this court within a period of 15 days while staying the arrest of the petitioner. The parties were also called in court to explore the possibility of an amicable resolution to the dispute by referring them to the Mediation and Conciliation Centre of this court. The case was taken up on 10.10.2017 and counsel for the Union Territory, Chandigarh, informed this court that the petitioner had not deposited ₹20 lakhs in terms of the order dated 28.08.2017; nor had he joined the investigation, as had been directed. Appearance was also caused on behalf of the complainant and counsel informed that bills worth ₹70 lakhs had been submitted to the Investigating Officer, who had verified the same.

8. The parties were sent for mediation which was not fruitful. The question before this court would be, whether the petitioner herein is entitled to grant of anticipatory bail after the same had been declined by the Additional District Session Judge, Chandigarh?

9. At the time of seeking notice of motion and stay of arrest, a categorical statement had been made that the petitioner would be ready to settle the dispute amicably. Mediation failed and even this court made every attempt to get the parties to settle the disputes. Learned counsel appearing on behalf of the Union Territory, Chandigarh, categorically submits that bills have been verified, as presented by the complainant, which would reflect that sufficient amount had been spent upon the marriage. There are also some cash transactions which have not been taken into account. It is

also submitted that the items that have been recovered are nothing more than perfumes, make-up items, personal clothing, few clothes, shawls which in fact are not of much value, while submitting that the major items pertaining to gold have yet to be recovered. It is also confirmed that the petitioner had posted incorrect details about his qualification and job description and assets at the time when he had got himself registered with the matrimonial website and he does not have necessary qualifications, or the job as claimed. The fact of marriage having been solemnized at JW Marriot, which is a five-star hotel in Chandigarh, has also been verified, which would be indicative that the complainant had spent a sufficient amount at the time of marriage of his daughter. Even before this court stay had been obtained by submitting that 20 lakhs would be deposited in the registry within a period of 15 days to show his bona fide, however, the same was deposited after a period of 6 weeks.

10. This court is conscious of the fact that court should not deny bail only on the account that recoveries have yet to be effected, as in the instant case. The offence under Section 498A is non-bailable and if court is prima facie of the view that the petitioner has obtained concession of pre-arrest bail by misleading the court, the court would have no hesitation in vacating the same. It has now become a trend of making an offer of settlement at the very 1st instance, to become uncooperative immediately thereafter, as has been noticed by this court in the present case itself. It is well-settled law that grant of anticipatory bail is an extraordinary relief which is to be extended only when the applicant/accused is able to make out

a case of exceptional hardship in his favour. The petitioner put up false information about himself on the website, as has been investigated by the police and, therefore, in the totality of the circumstances that have been narrated above, this court is not inclined to allow this petition.

11. Dismissed. However, nothing observed hereinabove shall be construed as an opinion on the merits of the case, which shall be decided on the basis of the evidence produced before the trial court.

12. The Registry is directed to refund the amount of ₹20 lakhs to the petitioner deposited by him in this Court.

8.12.2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No