

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

**Crl. Misc. No. M-37319 of 2016 (O&M)
Date of Decision : July 14,2017**

Jatinder Kumar Petitioner

VERSUS

State of Punjab and another..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
 2. To be referred to the reporters or not?
 3. Whether the judgment should be reported in the digest?
- ...

Present: Mr. G.S.Kaura, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Anil Kumar Garg, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

Petitioner prays for anticipatory bail in FIR No. 59 dated 11.09.2016 under Sections 498-A/406 IPC registered at Police Station Mehal Kalan, District Barnala.

As per allegations in the FIR marriage between the petitioner and respondent No.2 was solemnized on 12.12.2015. It is stated that a sum of over ₹ 20 lacs was spent at the marriage. Dowry articles were given to the petitioner and his other family members. Two months after the marriage,

harassing and taunting the complainant for bringing less dowry. She was asked to get a sum of ₹05 lacs for purchase of a car. She was threatened that in case she did not get the said amount the petitioner will get re-married from where better dowry is forthcoming. The complainant was further harassed to bring the amount as her father died in an accident and compensation on this count was received by her mother. The complainant, it is averred, was ultimately turned out of her matrimonial home on 11.04.2016 when she was pregnant. Despite various efforts she was not rehabilitated in her matrimonial home. A daughter was born out of the wedlock on 06.12.2016 at her parental home. The petitioner preferred a petition under Section 9 of the Hindu Marriage Act, 1955.

While issuing notice of motion in this case on 21.10.2016, the following order was passed:-

“Notice of motion.

Mr. Saurabh Kapoor, Advocate has put in appearance on behalf of complainant.

Learned counsel for the parties state that the matter may be sent to the Mediation and Conciliation Center of this Court as there are chances of settlement.

Let the matter be placed before Mediation and Conciliation Center of this Court.

Parties are directed to appear over there on 26.10.2016.

Report be awaited for 31.01.2017.

In the meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on bail to the satisfaction of the arresting/investigating officer subject to the conditions laid down in section 438 sub section 2 clauses (i)(ii) and (iii) of the Code of Criminal Procedure.”

The parties arrived at a settlement on 26.10.2016 before the

Mediation & Conciliation Centre. It was agreed that the petitioner along with his father and other family members shall proceed to respondent No.2's village on 28.10.2016 to bring her back to the matrimonial home. Respondent No.2 agreed that she would have no objection to the quashing of the above said FIR subject to fulfilment of the terms and conditions of the settlement. The petitioner however did not bring respondent No.2 back to her matrimonial home. The parties were thereafter directed to be present in Court. It is noted on 8.5.2017 that though the parties had agreed to live together the petitioner subsequently raised certain apprehensions. The matter was adjourned to enable the parties to try and resolve the entire dispute between themselves on request of learned counsel for the petitioner as well as respondent No.2. Respondent No.2 yet again expressed her desire to reside with the petitioner along with their minor daughter.

Learned counsel for the petitioner today submits that the petitioner is not ready and willing to cohabit with respondent No.2. The petitioner nevertheless offers a permanent settlement where both of them would part ways. The same is however not acceptable to respondent No.2 who submits that she has always been ready and willing to reside with the petitioner and still wishes to cohabit with him. Furthermore, now a daughter is born out of the wedlock on 06.12.2016. She does not wish to part ways with the petitioner.

Learned counsel for respondent No.2 submits that the petitioner has in fact misused the indulgence of this Court inasmuch as he first agreed to rehabilitate respondent No.2 in her matrimonial home. He even entered into an agreement on 26.10.2016 before the Mediation & Conciliation Centre of this Court. He has thereafter resiled from his stand. It is thus

apparent that he never intended to rehabilitate respondent No.2 right from the beginning. Filing of the petition under Section 9 of the Hindu Marriage Act is obviously a mere ploy on his part. Therefore, this petition be dismissed.

Learned counsel for the State, on instructions from ASI Satpal, Police Station Mehal Kalan, submits that the petitioner has joined investigation but certain recoveries are yet to be effected.

Keeping in view the facts and circumstances as noted above and the conduct of the petitioner as detailed, there is no ground to afford the benefit/concession of anticipatory bail to him.

Accordingly this petition is dismissed.

14.07.2017
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(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No