

CRM -M-37555 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

CRM -M-37555 of 2016

Date of Decision: 1.3.2017

Sudhanshu Bhardwaj

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Arvinder Arora, Advocate
for the petitioner
Ms. Dimple Jain, AAG, Haryana
Mr. Rohit Kaushik, Advocate
for the complainant

Rekha Mittal, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No. 54 dated 15.7.2016 for offence punishable under Sections 406, 498-A, 506 of the Indian Penal Code (in short "IPC") registered at Women Police Station, Ambala, District Ambala.

Counsel for the petitioner would submit that the petitioner has already joined investigation in compliance with interim bail granted by this Court vide order dated 21.11.2016. He is ready to face proceedings, in accordance with law. It has further been submitted that as the petitioner was not supplied with the particulars/necessary documents for preparing a fixed deposit receipt in the name of minor child born out of the wedlock, the petitioner prepared a demand draft of Rs. 2 lakhs, presented the same before the Mediator in the mediation proceedings but the same was not accepted. It is further submitted that the petitioner is ready to deposit that amount in the

Registry and the same may be converted into a fixed deposit receipt in the name of the minor child.

Counsel for the State would submit that some jewellery articles namely one necklace, three finger rings (including one diamond ring) and one pair of Pajeb (anklet silver) were recovered during investigation but the complainant refused to receive those articles saying that the same do not belong to her.

Counsel for the complainant would submit that even after lodging of the FIR when the complainant was at her parental place, the petitioner barged into their house, gave beatings to the complainant and she was medico legally examined. It is further submitted that an application was submitted by mother of the complainant to the police in regard to that occurrence but till date no action has been taken. It is further submitted that the petitioner is not entitled to benefit of bail in anticipation of arrest, in view of his misconduct with the complainant in the matrimonial home and thereafter. According to counsel, articles of stridhan belonging to the complainant comprising jewellery are yet to be recovered.

I have heard counsel for the parties, perused the paper book and the police records.

Concededly, the complainant has not submitted any materials in order to identify jewellery articles qua which she has laid claime to be her stridhan. Counsel for the complainant has not disputed that the complainant refused to accept the articles i.e. jewellery recovered during investigation by saying that the same does not belong to her. The petitioner is ready to pay a reasonable amount to be assessed by this Court, for the minor child and towards price of articles of jewellery claimed by the

complainant. In view of the above, interim bail granted to the petitioner is made absolute subject to the following conditions:-

- (i) He shall join the investigation as and when required by the Investigating Officer.
- (ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (iii) He shall not leave the limits of this country without prior permission of the Court.
- (iv) The petitioner shall deposit an amount of Rs. 3 lakhs in the Registry of the Court within a period of 15 days. Out of Rs. 3 lakhs, a fixed deposit of Rs. 2 lakhs shall be prepared in the name of the minor child of the parties on the complainant's submitting necessary documents with the Registry. The remaining amount of Rs. 1 lakh shall be released in favour of the complainant towards price of her articles of sridhan subject, however, to outcome of the present litigation.

Failure of the petitioner to deposit Rs. 3 lakhs with the Registry within the stipulated period would entail automatic dismissal of the petition.

It is clarified that jewellery articles recovered during investigation shall not be claimed by the complainant.

Petition stands disposed of.

(Rekha Mittal)
Judge

1.3.2017
PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No