

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

Crl. Misc. M-40139 of 2017 (O&M)
Date of Decision: November 06, 2017

Varun Rohila (Ruhella)

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. K.B. Raheja, 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 in FIR No.90 dated 06.08.2017, under Sections 406, 498-A of Indian Penal Code, registered at Police Station City-II Abohar, District Fazilka.

Learned counsel for the petitioner contends that petitioner is falsely implicated in the present case. It is argued that no dowry articles were exchanged at the time of marriage. It is submitted that complainant had taken child care leave from her department and took away all her belongings including *istridhan* in the month of November, 2016 and left the company of the petitioner to live in her parental house. It is thereafter, the

complainant in connivance with her family members moved a false complaint against the petitioner and his entire family including his married sisters. It is stated that during the pendency of the matter at Women Cell, Police Station Abohar, they came to know that complainant was suffering from blood cancer of the third stage and unfortunately, she expired on 14.03.2017 at AIIMS, New Delhi. It is also argued that there is nothing to say that at any point of time, the petitioner herein demanded any dowry article from the complainant. It is further submitted that other co-accused have already been granted the relief of anticipatory bail by this court, therefore, he prays for grant of same relief to the petitioner herein.

Learned counsel appearing on behalf of complainant opposes the grant of anticipatory bail to the petitioner, while submitting that there are specific allegations that have been levelled against the petitioner. It is contended that the instant FIR came to the registered at the instance of complainant-Neha Rohilla, who has since expired. It is *inter alia* submitted that a mere reading of the FIR would make it clear that the complainant was being harassed by the petitioner and his parents to an extreme extent to fulfill their lust of dowry. It is submitted that the cash amount which was given by the parents of the complainant to the petitioner and his parents for purchase of domestic articles, was misappropriated by the petitioner and his parents. It is stated that even the petitioner and his family got performed private job from the complainant forcibly and also grabbed her salary. It is categorically mentioned in the FIR that when the complainant refused her in-laws to give her salary, her husband i.e. the petitioner herein threw her out of home. It is argued that the petitioner herein, who is the husband of the

complainant, on the instigation given by his parents usually assaulted the complainant and pressurized her to take divorce from him. When the complainant asked her husband, the petitioner herein and her in-laws to get her medically treated, they threw the complainant and her minor daughter out of the matrimonial home. It is also contended that in view of the torture and harassment that has been meted out by the petitioner and his family member to the complainant, the instant application should be dismissed.

I have learned counsel for the parties and perused the record of the case.

A reading of the FIR would go on to show that there are serious allegations that have been levelled against the petitioner. The petitioner kept on torturing and harassing the complainant, till such time she remained in her matrimonial home for the demand of dowry. Not only this, the petitioner has also misappropriated the istridhan of the complainant. There are allegations that while bearing all the torture and harassment meted out to her at the hands of petitioner and his family members, she was denied treatment. She died of blood cancer in her parental home.

In view of the peculiar facts and circumstances of the present case and seriousness of the allegations that have been levelled, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioner where, custodial interrogation of the petitioner is required for the recovery of istridhan of the complainant. Accordingly, the petition in hand is hereby dismissed, being devoid of any merit.

However, anything observed hereinabove shall have no affect

on the merits of the case, which is only for the purpose of deciding the anticipatory bail application.

November 06, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No