

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

CRM-M-43138-2015 (O&M)

Date of decision : 22.11.2017

Sohan Singh Bhardwaj

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Arora, Advocate for the petitioner.

Ms. Gulnoor Ghuman, AAG, Punjab,
assisted by ASI Narinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in FIR No.108 dated 24.09.2015, registered under Sections 406 and 498-A of the Indian Penal Code (for short, 'the IPC') at Police Station Phase 11, Mohali.

Contents that the petitioner-husband has been falsely implicated in the instant case. The parties had been leading a peaceful and happy matrimonial life and the dispute whatsoever is on account of interference by the mother-in-law of the petitioner. Only vague and general allegations have been levelled in the FIR. There is no entrustment to the petitioner.

On the other hand, learned State counsel, on instructions, states

that the petitioner, being husband, is the main accused.

Heard.

Notice of motion was issued by this Court vide order dated 23.12.2015, on the contention of learned counsel for the petitioner that the petitioner was ready to amicably settle the matrimonial dispute. Accordingly, the matter was referred to the Mediation and Conciliation Centre of this Court but no mediation could take place. Meanwhile, the arrest of the petitioner was stayed. The said order was allowed to continue on different dates but since no one was coming forward to make submissions, this Court was constrained to dismiss the petition for non-prosecution vide order dated 01.02.2017.

The present petition was restored to its original number and stage vide order dated 06.11.2017. The Court feels that the petitioner is buying time under the garb of amicably settling the matter for the last more than two years and trying to mislead the Court.

Moreover, as per the allegations levelled in the FIR, the petitioner administered beatings to the complainant-wife and harassed her on account of demand of dowry. When his demands were not met, he deserted his wife and made no efforts to bring her back. The provisions of Section 498-A IPC were introduced by an amendment to curb the harassment of a woman by her husband and/or his family members, for demand of dowry etc. under the garb of fulfilment of the customary obligations. Keeping in view the conduct of the petitioner and the fact that no recovery of the dowry articles has been effected so far, no case for grant of bail is made out at this stage.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion on the merits of the case.

22.11.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No