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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2157/2016**

PUNEET JAIN

..... Petitioner

Through : Mr.M.N.Dudeja, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through : Ms.Manjeet Arya, APP with
Insp.Ravindra Kumar.
Mr.Satya Narain, Advocate with
Mr.Prabhakar Narain, Advocate for
the complainant along with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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11.04.2017

1. The petitioner seeks anticipatory bail in case FIR No.374/2016 registered under Sections 498A/406/420/34 IPC at PS Hazarat Nizamuddin. Status report is on record.
2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file.
3. Petitioner's counsel urged that baseless and concocted allegations have been levelled by the complainant against the petitioner. A matrimonial discord has been given an ugly shape making defamatory and derogatory allegations against the petitioner

about his sexual preferences. There was no demand of dowry at any stage. Chat/ conversation between the petitioner and the complainant during the period 24.06.2015 to May, 2016 reflected that she had no complaint whatsoever and the parties were leading normal matrimonial life. The petitioner during interim bail granted by the Sessions Court joined the investigation and his custodial interrogation is not required. The complainant could not adjust in the matrimonial home due to his father's disability.

4. Learned APP assisted by the complainant's counsel urged that serious allegations against the petitioner exist. The dowry articles have yet not been returned. The petitioner did not furnish the password and laptop could not be opened.

5. Anticipatory bail application under Section 438 Cr.P.C. filed by the petitioner was dismissed by the Sessions Court by an order dated 02.09.2016. Subsequently, by an order dated 21.09.2016 interim bail was granted to the petitioner till 04.10.2016. Again by an order dated 04.10.2016 the anticipatory bail application was dismissed on merits. After dismissal of first anticipatory bail application on 02.09.2016, in the absence of any change of circumstances, there was no occasion to grant interim bail.

6. In the comprehensive complaint dated 08.06.2016, serious allegations have been levelled by the complainant against the petitioner for treating her with cruelty on account of dowry demands on various occasions. It is also alleged that the material fact about the petitioner to be 'gay' was concealed before marriage. On 03.06.2016,

when the petitioner had inadvertently gone leaving his laptop unlocked, the complainant got the opportunity to open it. It contained vulgar and cheap conversation between him and his multiple male friends. The petitioner has denied the allegations. It is urged that the photo in the screen-shot is not that of the petitioner.

7. Allegations whether the petitioner is 'gay' or whether this material fact was concealed before marriage cannot be gone through at this stage. The Court, can however understand the complainant's trauma and mental cruelty when she came to know on going through the contents in the laptop that the petitioner allegedly used to have physical relations with his male friends. She has produced on record certain objectionable and obscene screen-shots. Certain conversations between victim's father and the petitioner's friends, on record, prima facie, corroborate her version. Document dated 03.06.2016 executed by the parties (Annexure 'D') is very crucial. The document reveals that the victim's parents were informed that the petitioner had physical relations with one Tuleman; he had physical relations with one Kaushal before marriage. The complainant was taken to her parents' house and she continues to be with them. Before that, she was at her parents' house for about two months. The petitioner in the bail application did not offer any reason as to how and under what circumstances document (Annexure 'D2') came into existence and what forced the victim's parents to take her with them. Complete dowry articles have not yet been recovered / returned.

8. Considering the gravity of the offence and the serious allegations against the petitioner, no sufficient ground for grant of anticipatory bail. The bail application is dismissed.
9. Observations in the order shall have no impact on merits of the case.
10. Order '*dasti*' to the petitioner.

S.P.GARG, J

APRIL 11, 2017 / tr