

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

Criminal Misc. No.M- 10742 of 2017(O&M)

Date of Decision: April 3 , 2018.

Beenu Mehta

..... PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. SPS Sidhu, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Divjyot S.Sandhu, Advocate
for the complainant/respondent No.2.

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?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.286 dated 28.12.2016 under Sections 498A/406 IPC registered at Police Station City Kapurthala.

It is submitted that the abovesaid FIR has been registered due to temperamental differences between the petitioner and his wife, the complainant. As per allegations in the FIR, marriage between the petitioner and the complainant was solemnized on 13.12.2015 through an advertisement in the

matrimonial column of the Punjab Kesri newspaper. It was alleged that a sum of ₹15,00,000/- was incurred on the marriage. Allegations of ill-treatment and harassment at the hands of the petitioner and other members of the in-laws family were raised by the complainant. It is stated that ultimately complaints dated 30.06.2016 and 09.08.2016 were submitted by the complainant to the Senior Superintendent of Police, Kapurthala. A compromise was effected between the parties on 31.08.2016 and the complainant was taken to the matrimonial home. It is alleged that the complainant was forcibly given some poisonous substance on 06.10.2016 by the petitioner and other members of her in-laws family. The complainant disclosed it to her father and on 08.10.2016, she was brought to her parental home.

Learned counsel for the petitioner submits that the complainant could not adjust in the matrimonial home at Ferozepur and sought a separate residence at Mohali however, the same was not possible for the petitioner. The petitioner even filed a petition under Section 9 of the Hindu Marriage Act, 1955 and is still ready and willing to resume cohabitation with the complainant. Reference is made to a compromise (Annexure P1) which was arrived at between the parties on 08.10.2016 in the presence of various respectable persons of the area. It is contended that there is no medical evidence on record to indicate administration of any poisonous substance to the complainant and perusal of compromise dated 08.10.2016 also does not reveal any such incident. It is submitted that all articles belonging to the complainant have since been handed back. Learned counsel further submits that the petitioner in order to show his bonafides and to counter the allegations that the gold articles have not

been returned, is ready and willing to deposit a sum of ₹4,00,000/- before the learned Chief Judicial Magistrate, Kapurthala within a period of four weeks, without prejudice to his rights subject to the ultimate decision of the trial/investigation. It is submitted that the petitioner has joined investigation and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant and the State have opposed this petition while submitting that specific allegations have been raised against the petitioner. However, nothing has been pointed out to indicate the administration of any poisonous substance to the complainant on 06.10.2016, at this stage.

It is noticed that efforts were made to enable the parties to amicably resolve their dispute, however mediation was unsuccessful. The petitioner has expressed his desire to resume matrimonial ties. Learned counsel for respondent No.2 was however not amenable to the same due to the unsavoury environment created by the petitioner.

Learned counsel for the State, on instructions from ASI Harjinder Singh, verifies that the petitioner has joined investigation and is not involved in any other criminal case. It is submitted that though certain articles have been returned, the gold jewellery has not been returned. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 03.04.2017 is made absolute subject to the petitioner depositing a sum of ₹4,00,000/- by way of FDRs before the learned Chief Judicial Magistrate, Kapurthala within a period of four weeks from today without prejudice to his rights.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

April 3, 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No