

Criminal Misc. No. M- 12419 of 2016 (O&M)

Date of decision : February 19, 2018

Gurveer Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Ms. Rakhi Sharma, Advocate
for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 44 dated 05.03.2016 under Section 498A IPC (Section 406 IPC added later) registered at Police Station Kharar, District SAS Nagar.

It is submitted that the above said FIR was registered due to temperamental differences between the parties. The complainant is a highly educated person. She is presently serving as Lecturer at Ryat Bahra University. She could not adjust with the petitioner, who is also a qualified person having attained MBA degree. It is contended that false allegations of demand of dowry are levelled against the petitioner, who tried his best to make their marriage work. It is further submitted that the marriage in question was a simple marriage. No dowry was received at the time of marriage and neither was any demand for the same ever raised. Moreover, the petitioner has joined investigation. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant while opposing this petition submits that doubtlessly the complainant is a highly educated person and it is due to this reason she made all efforts to ensure peace and harmony in the marriage. The complainant, it is submitted, is a writer having various articles and books to her credit. There is no question of lodging a false FIR by her. It is only when she was driven to the wall that she was constrained to take this step. About ₹10 lakhs was spent by the complainant's parents at the time of marriage, which was solemnised at Dawat Hotel in Mohali on 20.12.2014. The complainant and her husband lived at Phagwara for about one year in rented premises. Thereafter, the petitioner was posted at Chandigarh. The petitioner refused to live with the complainant any longer and stated that until and unless a sum of ₹10 lakhs was handed over as dowry, matrimonial ties would not be resumed. The entire jewellery except a gold chain, two bangles and a pair of earrings were taken by the accused persons. It is further submitted that during mediation proceedings before this Court, the petitioner only with a view to prolong the proceedings extended an offer for taking premises on rent so that matrimonial ties could be resumed. However, no such effort was made by him and he specifically declared to the complainant that he would think about resumption of matrimonial ties only if a sum of ₹5 lakhs was handed over to him. (This fact is denied by learned counsel for the petitioner while submitting that premises were identified at Sunny Enclave, Kharar, for which a sum of ₹11,000/- has been deposited at an initial stage by the petitioner). It is further submitted that the interim maintenance fixed in the proceedings under Section 125 Cr.P.C. is also not being deposited by the

petitioner. Learned counsel for the complainant contends that the petitioner has falsely stated that he was jobless having lost his job due to litigation with the complainant whereas he is gainfully employed. It is, thus, prayed that this petition be dismissed.

Learned counsel for the State, on instructions from SI Karamjit Kaur, verifies that the petitioner has joined investigation and only some of the articles in question including gold jewellery have been recovered. The petitioner has not handed over all the articles.

There are specific allegations of ill-treatment and harassment meted out to the complainant by the petitioner as well and clear cut demands of dowry. Keeping in view the specific allegations against the petitioner and his subsequent conduct as well, I do not find any ground whatsoever to afford the concession of anticipatory bail to the petitioner.

Present petition is, accordingly, dismissed.

February 19, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No