

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-12559 of 2018 (O&M)
Date of decision : November 15, 2018

Kushwant Singh

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Dilpreet Singh Gandhi, Advocate, for the petitioner
Mr. Dhruv Dayal, Sr. DAG, Punjab for the State
Mr. Bikaramjit Arora, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This order shall dispose of first anticipatory bail application under Section 438 of the Code of Criminal Procedure filed by accused petitioner Kushwant Singh in case FIR No. 29 dated 1.7.2017 under Sections 406, 498-A IPC Section 494 IPC added later on, Police Station Women Cell, Amritsar.

The brief facts brought to the notice of this Court are that the complainant wife Sannia filed the instant complaint against her husband Kushwant Singh and his family. It is alleged that the marriage between the couple took place on 20.12.2009 and at which the family of the girl gave

sufficient dowry articles as per the demand of the accused side but after the marriage they appeared to be unhappy and often taunted and ill treated her on that score. Demand of more articles was made including a car for which the parents of the girl gave Rs 5 lacs in cash to the accused but inspite of the same the complainant was tortured and her Ishtridhan was usurped and she was thrown out of her matrimonial home. The complaint was lodged by the complainant on 24.2.2017 leading to the registration of the present case after inquiry on 1.7.2017.

Mr. Dilpreet Singh Gandhi, learned counsel for the petitioner has argued that the husband had filed divorce petition and the present petition is a counter-blast to the same and it was a simple marriage and that question of recovery of Ishtridhan or demand of dowry articles is not made out and that it is the arrogance of the wife and which is apparent from the fact that the two children born out of this wedlock are residing with the petitioner and it was on account of callous conduct of the wife led to this dispute and thus, prayed for grant of bail and had sought to harp on the fact that the petitioner was allowed interim bail and has paid Rs 25,000/- to his wife to show his bonafide.

On behalf of the State Mr. Dhruv Dayal, Sr. DAG Punjab assisted by Mr. Bikaramjit Arora, counsel for the complainant have sought to oppose the grant of bail on the grounds that the articles of Ishtridhan including 19 tolas of gold are yet to be recovered and that the complaint was filed on 24.2.2017 whereas the divorce petition is subsequent thereto filed

on 12.3.2017, therefore, the plea of counter-blast does not sustain arguing that besides this Rs 5 lacs which was given in cash is yet to be recovered and in view of seriousness of allegations dis-entitles the petitioner husband to any relief.

Going through the submissions there are specific allegations against the petitioner-husband as to demand of dowry and harassment on account of the same. It is the categorical stand of the State that part of the articles of Ishtridhan including 19 tolas of gold and cash are yet to be recovered. The plea that has sought to be raised of being counter-blast is nullified from the fact that the divorce petition is much belatedly instituted after almost one month of the filing of the criminal complaint and therefore, no benefit can be derived out of this plea.

In the light of the allegations and that the petitioner inspite of on interim bail has failed to cooperative with the investigations necessitated in declining the relief prayed for. The bail application as such stands declined.

November 15, 2018

'tiwana'

**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No