

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

CRM-M-1364 of 2017(O&M)

Date of Decision: 01.03.2018

Amit Sharma

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Ms. Seena Mand, DAG., Punjab.

Mr.G.S.Sawhney, Advocate
for the complainant-respondent no.2.

LISA GILL, J (Oral).

Petitioner seek the concession of anticipatory bail in FIR No.61 dated 29.05.2016, under Sections 498-A, 406, 323 IPC, registered at Police Station Women Cell Jalandhar.

As per the allegations in the FIR, marriage between the petitioner and the complainant was solemnized on 21.04.2015. It was held out by the petitioner that he was posted as an engineer working with the Merchant Navy and was earning a salary of ₹2.5 lakh per month. The petitioner assured that he would spend 8 months at home and for the rest he would have to be out on the ship. Allegations of ill-treatment and harassment at the hands of the petitioner and his family members are raised in the FIR. It is alleged that various demands including those of gold chains and cash were raised. The petitioner left the matrimonial home in connection with his work while telling the complainant that he would send the money to

meet her needs. Her in-laws allegedly harassed her even more. The complainant stated that she was working with one Cambridge School at Jalandhar at a monthly salary of ₹20,000/- per month. She was given some money for fuel for her Aactiva only. On a complaint to her husband in this regard, he used to tell her that by keeping silence she should make do with whatever was given to her or could resign from the service and serve his parents. It is stated that the complainant lost her job due to the problems being faced by her in the matrimonial home. She was subjected to ill-treatment in the absence of her husband as well. The complainant was allegedly turned out of the matrimonial home in January 2016. The petitioner on being told about the same said that he had married the complainant, merely for serving his parents and he had no dearth of girls. When the complainant repeatedly beseeched him, the petitioner promised to come back in February and bring her back to the matrimonial home. However, the petitioner did not make any efforts to rehabilitate her in the matrimonial home, but started posting wrong and incorrect material against her on the Facebook. It is further alleged that in the Panchayat, which was convened, the petitioner and his family members admitted their mistake and assured that no harassment would be caused in future. The complainant was taken back to the matrimonial home, but matters reverted back to the same situation as before. A demand of ₹5 lakh was raised as the petitioner wanted to settle in Canada. It is stated that the complainant had lost her father and her brother performed her marriage by taking loan to fill the demands of her in-laws. However, it was not possible to fulfill their further continuing demands. Therefore, the present FIR was lodged.

Learned counsel for the petitioner vehemently argues that the abovesaid FIR has been registered due to temperamental differences

between the petitioner and the complainant. The petitioner has been falsely implicated in this case. He has offered for resumption of matrimonial ties between the petitioner and the complainant. However, the complainant has not come-forward. Moreover, he has joined investigation. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while submitting that the offer by petitioner for resumption of matrimonial ties is not bona fide as it was specifically stated by respondent no.2 that she would be amenable for resumption of matrimonial ties in case he displayed his bona fide by depositing the arrears of maintenance due towards him in the proceedings under the Protection of Women from Domestic Violence Act, 2005. The petitioner had submitted before this Court on 21.12.2017 that he will deposit the entire arrears of maintenance without prejudice to his rights before the executing Court within four weeks. However, the needful was not done and on 22.01.2018, it is noted by this Court that a demand draft of ₹20,000/- was brought by the petitioner in respect to the arrears of maintenance and he sought to deposit rest of the arrears in installments. However, before the learned Judicial Magistrate Ist Class, Jalandhar, the petitioner again did not deposit the said amount and brought only a sum of ₹30,000/-. However, the same was not accepted by respondent no.2. It is thus prayed that this petition be dismissed.

Learned counsel for the State on instructions from ASI Ravi Kumar, verifies that though the petitioner has joined investigation but no recovery has been effected so far.

I have heard learned counsel for the parties.

Efforts were made for mediation between the parties, but the same had failed. It is indeed reflected in the proceedings of this case that the

petitioner had offered to deposit the entire arrears of maintenance due in the proceedings under the Protection of Women from Domestic Violence Act, 2005, without prejudice to his rights. However, till today, needful has not been done. Today, again, the petitioner, who is present in Court, has expressed his hesitation in deposit of the said arrears. There is a refusal to offer a reasonable amount for personal expenses of the complainant in case she rejoins his company. It can reasonably be concluded that the petitioner only seeks to delay and prolong the proceedings in this case due to the interim order in his favour. There are specific allegations against the petitioner in the FIR.

Keeping in view the facts and circumstances of the case and the conduct of the petitioner, I do not find any ground whatsoever to afford the concession of anticipatory bail to the petitioner.

Petition is accordingly dismissed.

It is clarified that the observations in this order are solely confined for the purpose of decision of this petition and shall have no bearing on the investigation/trial of the case.

01.03.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.