

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

CRM-M-15457-2018

Date of decision:-6.9.2018

Naveen Kumar Ratta Bhardwaj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ruhani Chadha, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

Ms.Anupama Sharma, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Naveen Kumar Ratta Bhardwaj, an accused in FIR No.10 dated 29.3.2018, under Sections 406/498-A IPC, registered with Police Station Women Cell, Amritsar.

Briefly stated, the facts of the case as per prosecution story are that complainant Ritika Sharma was married with Naveen Kumar Ratta Bhardwaj (present petitioner) on 27.1.2014 at Hotel Kumar International, Amritsar; at that time the family of complainant had spent

Rs.15 lacs around, giving costly articles including gold jewellery items in dowry, however, after the marriage the complainant was maltreated and harassed by her husband and his family members on account of demand of dowry; the complainant could not get all those demands fulfilled, therefore, her torture at the hands of her husband and family of in-laws continued; that Nitin, younger brother of Naveen Kumar Ratta Bhardwaj had been indulging in objectionable acts with the complainant; the complainant informed her husband but he stated that there was no harm in Nitin doing so; that Naveen Kumar Ratta Bhardwaj had been working as Plumber in Abu Dhabi and he had been in telephonic contact with the complainant while being there at Abu Dhabi. On the basis of written complaint submitted by Ritika Sharma, formal FIR was registered.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Amritsar vide order dated 10.4.2018. As such, the petitioner has approached this Court asking for the similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent

persons from harassment and inconvenience and not to screen the culprits from custodial interrogation. The allegations against the petitioner are very serious.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation and for effecting recovery of dowry articles. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

6.9.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No