

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17522 of 2017(O&M)

Date of Decision: 21.02.2018

Sandeep

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.S.S.Brar, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. G.S.Pannu, Advocate
for respondent no.2.

LISA GILL, J (Oral).

Petitioner seeks the concession of anticipatory bail in FIR No.111 dated 19.10.2016, under Sections 406, 498-A IPC, registered at Police Station Haryana, District Hoshiarpur.

As per the allegations in the FIR, marriage between the petitioner and the complainant was solemnized on 24.04.2016. The accused at the time of marriage did not demand any dowry but asked for a good marriage. Six lakhs it is stated was spent on the marriage. The complainant was taunted for not bringing gold articles. As promised by the accused before the marriage, the complainant it is alleged was not permitted to take

the IELTS course. The petitioner, it is stated asked the complainant to arrange for money for her studies from her parents. The complainant apprehended physical and financial harm from the accused therefore the abovesaid FIR was lodged.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. There is no truth in the allegations of ill-treatment or harassment meted out to the complainant by the petitioner or any of his family members. It is wrongly stated therein that the complainant was not permitted to continue with her further studies. In-fact, the petitioner had even undertaken before this Court to not only facilitate her further studies but also defray the necessary expenditure incurred thereon, but, she was not ready to resume matrimonial ties. The complainant, it is submitted had stayed at the matrimonial home merely for a period of three months and had left the matrimonial home on her own. Moreover, the petitioner has joined investigation and undertakes to face the proceedings. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition. However, unwillingness of respondent no.2 to join the company of the petitioner on the ground that she was not permitted to continue with her studies in her matrimonial home as well as the undertaking of the petitioner as mentioned above as noted by this Court on 08.12.2017, is not denied. It is however submitted that despite such an undertaking, the complainant is unable to join the matrimonial home due to the unsavoury atmosphere in the matrimonial home.

Learned counsel for the State, on instructions from ASI Jograj

Singh, verifies that the petitioner has joined investigation and is not involved in any other criminal case. All recoveries except one gold bangle (Karha) has been effected.

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 in the Court, if released on bail.

Keeping in view the facts and circumstances of the case, but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 17.05.2017, is made absolute.

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.

21.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.