

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

**CRM-M No. 2068 of 2018
DATE OF DECISION :- August 13, 2018**

Jatin Sharma

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Subhash Godara, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. B.R. Rana, Advocate for the complainant.

This petition for pre arrest bail has been filed by petitioner Jatin Sharma, an accused in F.I.R. No. 235 dated 22.11.2017 for offence under Sections 498-A/406 IPC registered with Police Station City Kharar, S.A.S. Nagar (Mohali).

Briefly stated the facts of the case as per prosecution story are that complainant Sonia Sharma had got the F.I.R. in question recorded submitting therein that she was married with Jatin Sharma on 7.3.2016 at Hotel Marc Royal, Zirakpur. After the marriage Jatin Sharma left for Auckland (New Zealand) on 28.3.2016. He had told the complainant that he was working as a Store Manager in a concerned at Auckland. After returning to New Zealand he did not send any maintenance to his wife-the complainant rather his family members including his father, mother, sister,

sister's husband used to harass the complainant, torturing her for bringing less dowry. According to the complainant, her parents had already spent Rs.15-16 lacs on her marriage and were not in a position to give more dowry; that she has been working as a Lecturer at Government College, Ropar and she has been commuting from Ambala daily to attend to her duties. Her in-laws family asked her to resign from the job but she refused to do so. On 25.4.2017 at about 8.00 P.M. she was given beatings by her in-laws family including Anisha Sharma, Gourav Kohli. She informed her parents. Her relatives reached her matrimonial home and tried to pacify the accused but to no effect. According to the complainant she had informed her husband in New Zealand but he expressed his inability to do anything. The complainant had contended that accused had sold her jewellery articles and embezzled the proceeds thereof. On 17.6.2017 at about 10.00 P.M. Jatin Sharma along with co-accused gave beatings to her and threw her out of the matrimonial home asking her to return only when she was able to bring more dowry as per their demand. She had reported the matter at police post Baldev Nagar, Ambala. Her parents had given a complaint at Police Post Baldev Nagar, Ambala and brought her back to Kharar where she lodged report with the police. She expressed an apprehension that her husband may not leave India as such his Passport be taken into possession.

After registration of the formal F.I.R., the investigation in the case started. Apprehending his arrest in this case petitioner had approached the Court of Sessions for grant of pre arrest bail. His such petition was assigned to Additional Sessions Judge, Mohali, who vide order dated 3.1.2018 dismissed his petition, as such he has approached this Court

craving for grant of similar relief.

The petition is being opposed by learned State counsel and counsel representing the complainant.

I have heard learned counsel for the petitioner, learned counsel for the complainant and learned State counsel besides going through the record.

The law is well settled that pre arrest bail is not to be granted in routine but in exceptional circumstances.

In the instant case the petitioner has levelled grave and serious allegations of her maltreatment and harassment at the hands of her husband and his family members. Custodial interrogation of the petitioner-accused is definitely required for complete and effective investigation and in case it is denied to the Investigating Agency that shall leave many loopholes and lacuna which is uncalled for.

As stated by the State counsel his custodial interrogation is required for effecting the recovery of dowry articles of the complainant including gold jewellery items.

Learned counsel for the petitioner has referred to authority **“Prit Pal Singh versus State of Punjab and another 2014 (5) RCR (Criminal) 771”** by a coordinate Bench of this Court wherein it was observed that when an accused had joined investigation and certain articles of dowry had already been recovered then anticipatory bail could not be refused on the ground that some articles were still to be recovered.

Though there cannot be any dispute with such proposition of law but here the facts of the case are different. Custodial interrogation of

petitioner is found to be necessary for complete and effective investigation to find out as to how and why he and his family members had been harassing the complainant in connection with demand of dowry and why he did not took any action when complainant had informed her regarding maltreatment at the hand of his family members.

I do not find any merit in the petition, therefore, the same stands dismissed.

(H.S. MADAAN)
JUDGE

August 13, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No