

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

Criminal Misc. No.M- 20958 of 2016(O&M)

Date of Decision: April 5 , 2018.

Navpreet Singh PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Payel Mehta, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. J.S.Thakur, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.49 dated 22.05.2016 under Sections 406/498A IPC, registered at Police Station Phase 11, SAS Nagar.

As per allegations in the FIR, marriage between the petitioner and the complainant was solemnized on 09.03.2014. It is alleged that a sum of ₹35,00,000/- was spent at the marriage by the complainant's parents. The

complainant was allegedly subjected to ill-treatment and harassment on account of bringing insufficient dowry. It is further stated that the petitioner was distrustful of the complainant, who was working at the Panjab University. He would make uncalled for inquiries etc. regarding her movements. The petitioner was appointed as a Drug Inspector in June 2014 and thereafter the complainant, it is alleged, was subjected to worst treatment as the petitioner and his family members expressed that they would have got a better matrimonial alliance for the petitioner. A demand of flat is stated to have been allegedly raised by the petitioner and other members of the family. Ultimately, the complainant was allegedly thrown out of the matrimonial home on 25.07.2015. The abovesaid FIR was registered on the said allegations.

It is contended that the abovesaid FIR has been registered due to temperamental differences between the petitioner and his wife i.e. the complainant. There is no allegation of entrustment of any dowry articles to anyone in the FIR. The complainant in fact tried to rope in all the members of the in-laws family while raising the allegations against her parents-in-law as well as her sister-in-law and brother-in-law who did not even reside alongwith them. It is further stated that the petitioner's mother suffers from cancer and his father is paralysed.

Learned counsel for the petitioner further submits that recovery of all articles of the complainant which were lying with the petitioner has been effected. The petitioner undertakes to join investigation and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

It is noticed that concerted efforts were made to enable the parties to amicably resolve their dispute. The matter was placed before the Mediation and Conciliation Centre of this Court. However, mediation failed. On 08.02.2018, the following order was passed:-

“The petitioner and the complainant, duly identified by their counsels, are present in Court. The complainant had expressed her readiness and willingness to resume matrimonial ties, however, the petitioner states that it would not be possible for him to resume matrimonial ties under any condition. After some interaction, the complainant states that as an expenditure of ₹35 lakhs as mentioned in the FIR was incurred at the time of marriage by her. However, keeping in view the facts and circumstances of the case, she would be ready to part ways with the petitioner, if he hands over a sum of ₹20 lakhs towards all her claim – past, present and future towards alimony, maintenance etc. The petitioner has offered to hand over a sum of ₹15 lakhs towards the full and final settlement.

List on 27.03.2018 in order to enable the parties to reconcile the difference. In case, the matter cannot be reconciled, the matter shall be heard on merits.”

The matter was again adjourned for today on the request of learned counsel for the parties. The petitioner and the complainant were directed to be present in Court. The petitioner in deference to the said order is present in Court however, the complainant is not present.

Learned counsel for the complainant submits that he has no instructions from his client as the complainant has not contacted him neither has she responded to the calls from his office. Learned counsel has however opposed this petition while submitting that specific allegations have been raised

against the petitioner.

Learned counsel for the State, on instructions from ASI Narinder Sood, verifies that the petitioner has joined investigation and is not involved in any other criminal case. 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 before the Court, if released on bail. In the given circumstances, no useful purpose shall be served by incarcerating the petitioner.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 13.06.2016 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.

April 5 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No