

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

CRM-M No. 22065 of 2018

DATE OF DECISION :- September 12, 2018

Abhinay Mehra

...Petitioner

Versus

The State of Punjab

...Respondent

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

Present:- Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Mr. V.K. Sandhir, Advocate for the complainant.

This petition for pre arrest bail has been filed by petitioner Abhinay Mehra, an accused in F.I.R. No. 32 dated 17.7.2017 for offences under Sections 406/498-A IPC registered with Police Station Women, District Police Commissionerate, Amritsar.

Briefly stated, the facts of the case, as per prosecution story, are that F.I.R. in question was lodged by complainant Neha Arora wife of Abhinay Mehra, daughter of Sh. Gulshan Kumar Arora, resident of 100-A, Tilak Nagar, near Shivala Bhaiya, District Amritsar, who had submitted a written complaint addressed to Commissioner of Police, Amritsar City seeking taking of action against her husband Abhinay Mehra, father-in-law Vimal Mehra, mother-in-law Mamta Mehra, sister-in-law Arushi Mehra, all residents of Rohini, New Delhi for the reason that she was married with Abhinay Mehra on 11.3.2016 at Delhi. At that time her parents had spent

considerable amount giving sufficient number of dowry articles. Roka ceremony had taken place before the marriage function. Soon after the marriage, the complainant was harassed, maltreated and tortured by the accused so as to compel her to bring more dowry articles in the form of Rs.10 lacs in cash and one Baleno Car from her parents. The complainant could not get those demands fulfilled, therefore, her harassment at the hands of her husband and in-laws family continued. According to the complainant, the accused have committed criminal breach of trust with regard to her dowry articles since they have refused to return the same despite specific demand and have maltreated and tortured her in connection with demand of dowry.

On the basis of such written complaint, formal F.I.R. was registered. After registration of the F.I.R. the matter was investigated. Apprehending his arrest, the accused had moved an application before the Court of Sessions for grant of pre arrest bail. That petition was assigned to Additional Sessions Judge, Amritsar who vide order dated 8.5.2018 dismissed the petition, as such the petitioner has approached this Court craving for grant of similar relief.

Learned State counsel and learned counsel for the complainant are opposing the petition for pre arrest bail vehemently.

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

I find that there are grave and serious allegations of harassment, maltreatment and criminal breach of trust against petitioner Abhinay Mehra, who being the husband is the main accused. A perusal of the interim orders

passed by this Court goes to show that on 23.5.2018 since counsel for the petitioner had submitted that petitioner wanted to amicably resolve the entire dispute with the complainant wife notice of motion had been issued, however, no sincere efforts seems to have been made on behalf of the petitioner to resolve the dispute amicably. The matter had been referred to mediation. As per report received from Mediation Centre, mediation had failed. In the Court also counsel for the complainant had stated that complainant was ready to settle the matter with the petitioner on payment of Rs.7 lacs and return of dowry articles. However, the petitioner did not accept that offer. Since it comes out that no sincere efforts for amicable settlement have been made by the petitioner, the petition is doomed for failure on that very ground.

Learned counsel for the petitioner had put up an argument that the jurisdiction for registration of the F.I.R. was with the police at New Delhi, since the marriage had been solemnized there and parties have also been residing at Delhi. The F.I.R. was wrongly got registered at Amritsar.

On the other hand, learned counsel representing the complainant states that such contention put forward by counsel for the petitioner is misconceived. Before marriage some ceremonies had taken place at Amritsar. The Court having jurisdiction over there, could deal with the matter and no fault can be found with the same. Moreover, at the time of finding out that the petitioner is entitled to pre arrest bail or not the yardstick to be adopted is some what different. Only from the trial it can be found out whether the Police Station at Amritsar had jurisdiction to register the F.I.R. or not. It is further contended that it was a very simple marriage

and all arrangements were made by the petitioner side. Again this argument is not very convincing. The boy side making all the arrangement does not seem convincing though petitioner may be able to prove it during the trial.

Learned counsel for the petitioner has contended that from the photographs placed on file by the petitioner both the spouses seems to be in a happy mood and the allegations that she was harassed and maltreated by in-laws family are obviously wrong. However, learned State counsel has contended that the authenticity of these photographs is yet to be established and further from the photographs it cannot be taken as to when those have been clicked. Their genuineness is yet to be established during the trial. Learned State counsel has submitted that the entire recovery has not been effected by the petitioner. In that way custodial interrogation of the petitioner is required for complete and effective investigation and to affect recovery of dowry articles of the complainant. The custodial interrogation of petitioner is found to be necessary for just and effective investigation and for the purpose of recovery of dowry articles of the complainant. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation effecting the investigation being carried out adversely which is not called for.

Finding no merit in the petition, the same stands dismissed.

(H.S. MADAAN)
JUDGE

September 12, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No