

Criminal Misc. No. M- 2122 of 2017 (O&M)

Date of decision : May 22, 2018

Ajay Sharma

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vikas Bali, Advocate
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

Mr. Raghav Goel, Advocate
for respondent No. 2.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 129 dated 21.10.2016 under Sections 406/498A IPC registered at Police Station Women, District Ludhiana City.

It is submitted that the above said FIR was registered due to temperamental differences of the petitioner with his wife – the complainant. Marriage between the petitioner and the complainant was solemnised on 29.09.2009. Allegations of harassment, ill-treatment as well as physical abuse have been raised in the FIR. It is averred therein that a sum of ₹22 lakhs was given to the petitioner. Allegations of the petitioner being a drug addict as well as his maintaining illicit relations with another women have been raised.

Learned counsel for the petitioner contends that the allegations raised against the petitioner as well as his family members are absolutely incorrect. The complainant had filed a criminal complaint before the learned Judicial Magistrate First Class, Ludhiana for the offences punishable under

Sections 406, 493, 497, 498A, 506, 376, 511, 120B IPC. She raised an allegation of attempt of rape by the petitioner's brother-in-law (Nandoi) as well as the brother of the petitioner. The said complaint was, however, withdrawn on 19.12.2016. No such allegations have been levelled in the present FIR. Moreover, allegations of physical abuse were not even mentioned in complaint dated 03.10.2016. The petitioner, it is submitted, is ready and willing to deposit a sum of ₹5 lakhs by way of FDRs in favour of two minor children to show his bona fides. Moreover, the petitioner has joined investigation. It is, thus, prayed that this petition be allowed.

Learned counsel for the State has produced medico legal report dated 08.03.2016 in respect to the injuries received by the complainant on 06.03.2016. I have gone through the complaint dated 03.10.2016 furnished in Court today. It is specifically mentioned in the said complaint that the complainant was subjected to physical abuse in the matrimonial home on 06.03.2016. The complainant was admitted at Civil Hospital, Ludhiana on 07.03.2016. Learned counsel for the State further points out that subsequently two FIRs i.e. FIR No. 0203 dated 19.09.2017 and FIR No. 0081 dated 13.03.2018 have been registered at the instance of the complainant due to the conduct to the present petitioner. Learned counsel for the State submits that in the present case, the petitioner is being proceeded against under Sections 323, 342, 120B IPC as well which were added on 27.02.2018. Certain household as well as about 13 grams of gold, it is contended, have been recovered. Rest of the recovery is yet to be effected.

I have heard learned counsel for the parties at length.

There are specific allegations against the petitioner. Allegations of physical abuse substantiated by the medical record have been brought to the fore. Efforts were made for an amicable resolution of the dispute between the parties but the same could not fructify.

I do not find any ground whatsoever to afford the concession of anticipatory bail to the petitioner in the factual matrix of the case.

Present petition is, accordingly, dismissed.

May 22, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No