

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

Crl. Misc. No. M-23874 of 2016

Date of Decision : January 16, 2018

Jagpreet SinghPetitioner

Versus

State of Haryana and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. P.S.Dhanoa, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Ms. Sharmila Sharma, Advocate
for respondent No.2.

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LISA GILL, J. (Oral)

The petitioner seeks the concession of anticipatory bail in FIR No. 71 dated 26.01.2016 under Sections 406, 498-A, 506 IPC registered at Police Station City Thanesar (Kurukshetra).

It is submitted that the above said FIR has been registered due to temperamental differences of the complainant with the petitioner. No demand of dowry was ever raised by the petitioner or any of his family members. The complainant was never subjected to any kind of harassment or ill-treatment. All the other accused i.e. the parents-in-law of the complainant have been found innocent during investigation. It is submitted that all the articles belonging to the complainant have since been recovered. Moreover, there is an unexplained delay in the filing of this FIR which reflects on the falsity of the same. The complainant, it is submitted, remained in the matrimonial home merely for four months. Marriage

between the complainant and the petitioner was solemnized on 01.02.2013 and the complainant left the matrimonial home on 06.06.2013. It is, thus prayed that this petition be allowed.

Learned counsel for the complainant and the State have opposed this petition. Learned counsel for the State, on instructions from SI Ragubir Singh, informs that none of the dowry articles have been recovered neither have the academic certificates of the complainant handed over by the petitioner.

I have heard learned counsel for the parties and have gone through the file.

As per the allegations in the FIR, marriage between the petitioner and the complainant was solemnized on 01.02.2013. She was subjected to harassment and ill-treatment on account of bringing insufficient dowry merely after 3-4 days of the marriage. It is alleged that the accused claimed that they have solemnized this marriage with a view to receive sufficient dowry as complainant is the only daughter in the family having one brother. The complainant's father, it is alleged, had passed away and her mother with great difficulty had arranged for sufficient dowry. Specific allegations have been levelled against the petitioner which are not being detailed lest a prejudice be caused to any of the parties in further proceedings. The complainant was turned out of the matrimonial home on 06.06.2013 by saying that she would not be allowed to come back until and unless she brought back another sum of ₹05 lakhs for purchase of a car. Panchayats were convened but the present petitioner refused to resume matrimonial ties with the complainant. He also refused to hand over the dowry articles.

It is noticed that an effort was made for an amicable settlement between the parties. They were referred for mediation before the Mediation & Conciliation Centre of this Court in a petition filed by the complainant for transfer of the petition preferred by the petitioner-husband under Section 9 of the Hindu Marriage Act, 1955. This case was adjourned to await the result of the said mediation which ultimately failed. An effort was made to resolve the dispute between the parties before this Court. It was stated on behalf of respondent No.2 before this Court on 30.11.2017 that respondent No.2 would be amenable to part ways in case ₹10 lakhs (though she had proposed a higher amount initially) is remitted to her towards all her claims-past, present and future qua maintenance, alimony etc. The petitioner however offered to hand over a sum of ₹05 lakhs only. The matter was adjourned for today to enable parties to reconcile their differences. It is to be noted that the petitioner had earlier filed a petition under Section 9 of the Hindu Marriage Act, 1955 which was subsequently withdrawn by him and a petition under Section 13 of the Hindu Marriage Act, 1955 has been filed.

Petitioner and respondent No.2 are present in Court but the petitioner has maintained an adamant attitude. The matter has been heard on merits.

Keeping in view the specific allegations against the petitioner as well as his conduct no ground is made out for grant of anticipatory bail.

This petition is dismissed.

(LISA GILL)
JUDGE

16.01.2018
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Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No