

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

Criminal Misc. No.M- 26003 of 2017(O&M)

Date of Decision: March 01 , 2018.

Ramesh Lal Bagga

..... PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Jasdeep Singh Gharuan, Advocate
for the complainant/respondent No.2.

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.50 dated 21.05.2017 under Section 498A IPC, registered at Police Station Nurpur Bedi, District Rupnagar.

It is submitted that marriage between the petitioner and the complainant was solemnized on 22.06.2014. The petitioner left for Abu Dhabi in connection with his work on 02.11.2014. He returned to India in June, 2016.

As per the allegations in the FIR, the complainant did not face any problem till

her husband left for Abu Dhabi. However, she was subjected to ill-treatment and harassment at the hands of other members of the in-laws family. Proper care and affection was not afforded to the complainant even when it was discovered that she was pregnant. On the contrary, she was subjected to ill-treatment and abuse. A child was born out of this wedlock on 05.07.2015. She was taken to her parental home in March, 2016. A compromise was arrived at between the parties on 06.07.2016 after the petitioner had returned to India. The complainant returned to her matrimonial home but the petitioner allegedly raised a demand of ₹5,00,000/-. The complainant was thereafter constrained to live in her parental home.

Learned counsel for the petitioner vehemently argues that problems arose only after he left India in November, 2014. All allegations of ill-treatment and harassment are denied. The petitioner has specifically offered for resumption of matrimonial ties with his wife, the complainant, especially keeping in view the future of their minor child. He has also agreed to hand over a settled amount every month to respondent No.2 to meet her personal expenses. However, respondent No.2 has refused to resume cohabitation. The petitioner, it is submitted, has joined investigation and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if afforded to him. Therefore, it is prayed that this petition be allowed.

Respondent No.2, duly identified by her counsel, is present in Court today. Respondent No.2 states that she is not ready and willing to re-join the petitioner in the matrimonial home under any conditions as she was subjected to ill-treatment and harassment in the in-laws family.

Learned counsel for the State, on instructions from ASI Mahinder Kumar, verifies that the petitioner has joined investigation and is not involved in any other criminal case. Custodial interrogation of the petitioner is not required.

It is noticed that the petitioner is not being proceeded against under Section 406 IPC. 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.

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 08.08.2017 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.

March 01, 2018.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No