

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26589 of 2017(O&M)

Date of Decision: 01.05.2018

Piyush Vats

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Sharmila Sharma, Advocate
for the petitioner.

Mr. Ramesh K. Ambavta, AAG., Haryana.

Respondent no.2 in person.

LISA GILL, J (Oral).

Petitioner seeks the concession of anticipatory bail in FIR No. 14, dated 08.06.2017, under Sections 323, 377, 406, 498-A and 506 IPC, registered at Police Station Quilla Panipat.

It is submitted that the present FIR has been registered due to temperamental differences between the parties. As per the FIR, marriage between the petitioner and the complainant was solemnized on 25.10.2015. It is alleged that ill-treatment and harassment of the complainant started immediately after marriage on account of bringing insufficient dowry. It is further alleged that the petitioner is a drug addict and an alcoholic. The complainant was pressurized by the petitioner to bring ₹5 lakh from her parents. ₹3 lakhs, it is stated was given to the petitioner on 15.08.2016. Allegations were raised against the character of the complainant. A number of panchayats were convened. It is further alleged in the FIR, that the

petitioner hacked the mobile phone of the complainant to collect evidence. Ultimately, the complainant is stated to have been thrown out of her matrimonial home on 01.01.2017. On these allegations, the abovesaid FIR was registered.

Learned counsel for the petitioner vehemently argues that the said FIR has been registered primarily due to temperamental differences between the parties. Allegations of unnatural sex have been falsely raised in the FIR. All the family members were roped in by the complainant only with a view to pressurize the petitioner. All allegations of ill-treatment and harassment are denied. It is further submitted that the petitioner undertakes to deposit a sum of ₹2 lakh in favour of the complainant-wife in order to show his *bona fides* though without prejudice to his rights. It is further contended that the petitioner came present before the investigating officer with all the articles belonging to respondent no.2 which were lying with him. However, respondent no.2, refused to accept the articles. The petitioner undertakes to face the proceedings and not abuse the concession of anticipatory bail, if afforded to him. It is thus prayed that this petition be allowed.

Respondent no.2, as well as learned counsel for the State, have opposed this petition while submitting that specific allegations have been raised against the petitioner. Learned counsel for the State, on instructions from SI Umar Mohd, verifies that the petitioner had approached the authorities with the articles in question. Complainant at that stage refused to accept the same while stating that she would receive the articles at Gurgaon and not at Panipat.

It is noticed that efforts were made for an amicable resolution of the dispute between the parties. However, the same did not fructify as the petitioner expressed his unwillingness regarding resumption of matrimonial ties due to extreme temperamental differences as well as an apprehension that he and his family could be involved in further litigation by respondent no.2. Respondent no.2, however expressed that she was not ready for any kind of settlement except resumption of matrimonial ties. She has maintained this stand today as well.

Learned counsel for the State, on instructions from SI Umar Mohd, 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 in 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, subject to the petitioner depositing a sum of ₹2 lakh before the learned Chief Judicial Magistrate, Panipat, within four weeks from the receipt of certified copy of the order. Needless to say, the said deposit, shall be without prejudice to his rights.

In the event of arrest of the petitioner, he be released on bail to the satisfaction of the Arresting/investigating Officer. The petitioner shall join investigation as and when called upon to do so. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

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.

01.05.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.