

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

CRM-M-28117-2017(O&M)

Date of decision:-30.7.2018

Harish Bansal

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Ravi Kant Sharma, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.G.S. Sandhu, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Harish Bansal, an accused in FIR No.75 dated 4.7.2017, under Sections 323, 377, 406, 498-A and 506 IPC, registered with Police Station Women, Karnal.

Briefly stated, the facts of the case as per prosecution version are that Manisha @ Mini wife of Harish Bansal (present petitioner) had submitted a written complaint at Women Police Station, Karnal seeking taking of action against her husband Harish Bansal, father-in-law Anil, mother-in-law Sudesh and brother-in-law Ravi, all residents of House No.203, Ram Gali Ghati near Jogidass Kothi, Chora Bazaar, Karnal on the allegations that on her marriage with Harish Bansal, her parents had spent

considerable amount giving dowry articles beyond their capacity; that the articles were meant for use of the complainant but were entrusted to accused and the accused did not allow use of such articles to the complainant and had committed criminal breach of trust in that regard; that soon after the marriage, all the accused started taunting, torturing the complainant so as to force her to bring more dowry articles; that the complainant got some of the demands met but was unable to met all the demands conceded; that she was harassed and maltreated; that her husband tried to do unnatural sex with her and when she refused, he gave her merciless beatings and performed the same with her forcibly; that ultimately on 15.3.2017, she along with her minor child were turned out of the matrimonial home and she is residing with her parents since then. On the basis of such written complaint, formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Karnal vide order dated 28.7.2017. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the records.

The petitioner is the main accused. There are serious allegations of cruelty, harassment and torture of complainant at his hands

and his having unnatural sex with her forcibly against her wishes. Though the petitioner is said to have joined the investigation but as stated by the State counsel, he has not got any recovery effected and has not rendered full co-operation.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation to effect the recovery of dowry articles of the complainant and to unearth the complete story as to under what circumstances and in what manner cruelty was perpetrated upon the complainant so as to force her to bring articles. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

30.7.2018

Brij

Whether reasoned/speaking

Whether reportable

:

Yes/No

:

Yes/No

(H.S.MADAAN)

JUDGE