

Criminal Misc. No. M- 30950 of 2017 (O&M)

Date of decision : February 21, 2018

Amarjit Singh

.....Petitioner

Versus

State of Haryana and another

....Respondents

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

Mr. Anmol Malik, AAG, Haryana.

Respondent No. 2 in person.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 146 dated 24.07.2017 under Sections 323, 342, 406, 498A, 506, 34 IPC registered at Police Station Babain, District Kurukshetra.

As per the allegations in the FIR, marriage between the petitioner and the complainant took place on 24.10.2015. Allegations of demand of dowry are raised qua the petitioner and all other family members. Allegations are raised against the brother-in-law (Devar) as well as his wife, who admittedly got married after the marriage of the complainant and the petitioner. Allegations of molestation by the Devar are raised. It is stated that the complainant was treated like a servant in the matrimonial home. All her ornaments, it is stated, were snatched. The complainant, it is stated, ultimately called the police, was rescued and the above said FIR registered.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated, in the above said FIR, which has in fact been registered due to temperamental differences between the petitioner and

the complainant. The petitioner is stated to be working as a Granthi in a

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Gurudwara. It is submitted that respondent No. 2 hardly resided at the matrimonial home for a total of three months after marriage. She is the only child of the parents. The petitioner was, therefore, impressed upon to start living at her parental home, which was not acceptable to the petitioner. It is stated that respondent No. 2 initially left for her parental home on the pretext of her B.A. examination in January, 2016. She returned in May 2016. Thereafter, respondent No. 2 was expecting and again taken back by her parents on the said pretext. With the intervention of Panchayat, she was brought back to the matrimonial home on 12.03.2017. An altercation took place between the petitioner and respondent No. 2 on 19.03.2017, when he discovered her in conversation with one Amandeep Singh. The petitioner came to know that respondent No. 2 was in possession of four different SIM cards. Respondent No. 2, it is alleged, created a scene on 20.03.2017, called the police after the petitioner left for his work at the Gurudwara. She ultimately left the matrimonial home on the said day. It is further submitted that the petitioner expressed his readiness and willingness to resume matrimonial ties with the complainant especially keeping in view the future of the minor child but respondent No. 2 refused to come back. He also filed a petition under Section 9 of Hindu Marriage Act, 1955. The petitioner, it is stated, has joined investigation and undertakes not to leave the country without permission of the learned trial Court. He further undertakes not abuse the concession of anticipatory bail, if confirmed. It is, thus, prayed that this petition be allowed.

Respondent No. 2, duly identified by SI Ram Parkash, is present in Court. She firmly stated that she does not wish to reside with the

petitioner at the matrimonial home due to acrimonious conditions and

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unhealthy environment. She is also not ready for any kind of full and final settlement with the petitioner at this stage though the petitioner has offered to amicably resolve the entire dispute in whatever manner as respondent No. 2 may like.

Perusal of the file reveals that the matter was placed before the Mediation and Conciliation Centre of this Court, however, mediation could not take place as on most occasions the complainant did not come present.

Learned counsel for the State, on instructions from SI Ram Parkash, verifies that the petitioner has joined investigation and most of the articles except some jewellery articles have been recovered. He 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 noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. In the event of his arrest, petitioner shall be released on bail to the satisfaction of Investigating Officer/ Arresting officer. He shall appear before the Investigating agency as and when required. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

February 21, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No