IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. M 33121 of 2016 (O&M)
Date of decision: 26.2.2018

Rahul Bhandari

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. V.K. Jindal, Senior Advocate with
Ms. Janya Sirohi, Advocate,
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Mr. K. S. Khehar, Advocate,
for the complainant.

JAISHREE THAKUR, J.

1. This is a petition that has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 46 dated 9.8.2016 under Sections 406, 498-A and 120-B IPC registered at Women Police Station, District Panchkula.

2. Mr. V.K. Jindal, Senior Advocate with Ms. Janya Sirohi Advocate, for the petitioner, contends that the allegations, as set out in FIR No. 46 dated 9.8.2016 registered under Sections 406, 498-A and 120-B IPC at Women Police Station, District Panchkula, are not sustainable. In fact, the marriage was solemnized between the petitioner and the complainant in a very simple ceremony on 10.2.2015. It is further contended that soon after

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2018.03.01 17:18
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the marriage, the couple went to Europe for honeymoon and thereafter also made several trips abroad. During vacation they visited Hong Kong in the month of July, 2015 and later in the same year visited Leh Ladakh and also Canada, while submitting that expense for all the trips was borne by the petitioner.

3. Per contra, Mr. Karanvir Kherar, learned counsel appearing on behalf of the complainant, submits that the petitioner and his family members treated the complainant with cruelty and demanded dowry. It is submitted that the marriage was performed with great pomp and show and approximately an expense of ₹64 lakhs was incurred on jewelry, dowry and other articles. List of jewellery items entrusted to Rahul Bhandari, Vijay Bhandari and Saroj Bhandari, is valued at ₹15 lakhs approximately. Apart from the gifts, a sum of ₹47 lakhs approximately was spent on valuable items, including car etc. It is also argued that as per the status report filed by the Investigating Officer recoveries of certain gold items is yet to be effected.

4. I have heard the counsel for the parties and with their able assistance have gone through the pleadings.

5. Today this Court has confirmed the anticipatory bail already granted to the parents of the petitioner in Criminal Misc. M 29675 of 2016. However, prima facie this Court is of the opinion that anticipatory bail need not be granted to the petitioner herein.

6. This matter has been contested and taken up for hearing on several occasions. By way of reply, the complainant has placed on record various bank transactions, list of dowry articles along with their bills and

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transcripts of the conversation that took place between the complainant and her husband, which would reflect that there has been a clear demand of dowry. What is interesting to note is that the reply in this case was filed by the complainant on 6.4.2017. Thereafter, the case was adjourned on several occasions, but the petitioner has not bothered to file a counter to the said reply or the pleas taken therein. There is not even a whisper in the said petition that the documents placed on record are false and fabricated neither there is any denial of the transcripts that have been placed on record.

6. As per the reply filed by the Respondent—State, a sum of ₹20,000/- and ₹10,000/- were debited from the account (No. 913010010198942) of the complainant, Lovina Bhatia, through ATM. Further a sum of ₹70,000/- were paid to the petitioner on 29.2.2016 through Cheque No. 40633. Another sum of . ₹70,700 and ₹1 lakhs were credited to the account of the petitioner by way of Cheque Nos. 372584 and 372589 respectively. All these transactions are stated to have taken place between the petitioner and the complainant after their marriage. Mr. P.P. Chahar, DAG, Haryana learned counsel appearing for the State avers that complete articles as mentioned in para 6 of the reply, are yet to be recovered from the petitioner. It is also pleaded that the petitioner has not cooperated with the investigation and as such his custodial interrogation is necessary.

7. This court is conscious of the fact that bail should not be denied only on the account that recoveries have yet to be effected, as in the instant case. It is well-settled law that grant of anticipatory bail is an extraordinary relief which is to be extended only when the applicant/accused is able to make out a case of exceptional hardship in his favour. However, in the

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peculiar circumstances of this case when there seems to be no denial to the averments made in the reply filed by the complainant that there was demand of dowry as reflected in the transcript annexed and money had been transferred into the account of the petitioner and his family members, immediately after the marriage, no ground is made out for grant of anticipatory bail.

8. Dismissed. However, nothing observed hereinabove shall be construed as an opinion on the merits of the case, which shall be decided on the basis of the evidence produced before the trial court.

26.2.2018 **(JAISHREE THAKUR)**
prem **JUDGE**

Whether speaking/reasoned Yes
Whether reportable No

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