

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

CRM-M-36395 of 2016(O&M)

Date of Decision: 25.01.2018

Pardeep Kumar

..... Petitioner

Versus

State of Haryana and another

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Shalini Atri, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Sunil Kumar Bhorla, Advocate
for respondent no.2.

LISA GILL, J (Oral).

Petitioner seeks the concession of anticipatory bail in FIR No. 0647 dated 01.09.2016, under Sections 323, 498-A, 406, 34 IPC, registered at Police Station Sirsa City, District Sirsa.

It is submitted that the petitioner has been falsely implicated in this case. All the allegations of ill-treatment and harassment for bringing insufficient dowry are false and incorrect. Reference is made to the medical record (Annexure P-3) to submit that proper care of the complainant was taken by the petitioner during her pregnancy. Moreover, the incident regarding injury to the ear of the complainant is false and incorrect. Reference is made to a certificate dated 19.04.2015, while arguing that the complainant was suffering from this problem prior to her marriage. It is thus prayed that this petition be allowed.

Learned counsel for the complainant-respondent no.2 has

opposed this application while submitting that specific allegations of ill-treatment including physical abuse at the hands of the petitioner are detailed in the FIR. The complainant had to undergo major surgery of the ear due to a blow given by the petitioner. It is further alleged that physical abuse at the hands of the petitioner and her in-laws family had even led to termination of her pregnancy on 16.03.2015. A child was born at the parental home of the complainant from the second pregnancy. It is thus prayed that this petition be dismissed.

As per allegations in the FIR, marriage between the petitioner and the complainant was solemnized on 27.09.2014. It is stated that sufficient dowry including a motorcycle and other articles were entrusted to the petitioner and the family of the in-laws at the time of marriage. Demand of a car was raised by the petitioner. The complainant was subjected to physical abuse. There was termination of her pregnancy due to the ill-treatment at the hands of her in-laws on 16.03.2015. Due to the injury caused on her ear by the petitioner, she had to undergo a surgery. This is corroborated by certificate dated 19.04.2015 attached with this petition. There are specific allegations including that of physical abuse against the petitioner in this case.

It is to be noted that at the time of issuance of notice of motion, willingness of the petitioner to settle the dispute with his wife was noted. Matter was placed before the Mediation and Conciliation Centre of this Court. However, the mediation did not fructify. An effort was again made to help the parties to amicably resolve the dispute as noted by this Court on 28.02.2017. On 13.09.2017, it is noted that respondent no.2 expressed her willingness to part ways with the petitioner subject to a sum of ₹10 lakhs to be remitted to her as full and final settlement of all her claims as well as of

the minor child. Petitioner, however, offered to furnish a sum of ₹8 lakhs.

The matter was adjourned to enable the petitioner and respondent no.2 to try and reconcile their differences. The petitioner again sought an adjournment.

However, on 30.11.2017, it was stated that the petitioner can now adduce only a sum of ₹5 lakhs. It is specifically noted that the conduct of the petitioner clearly lacks *bona fides* as there appears to be an attempt to delay the proceedings to enjoy the interim order in his favour.

Learned counsel for the State, on instructions from ASI Surjeet, submits that though the petitioner has joined the investigation, no recovery has been effected from him.

Keeping in view the facts and circumstances of the case, I do not find any ground whatsoever to afford the concession of anticipatory bail to the petitioner.

Petition is accordingly dismissed.

It is clarified that the observations in this order are solely confined for the purpose of decision of this petition and shall have no bearing on the investigation/trial of the case.

25.01.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.