

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

Criminal Misc. No.M- 37030 of 2016(O&M)

Date of Decision: February 22 , 2018.

Baljeet Singh

..... PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. K.S.Sekhon, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. G.S.Sandhu, Advocate
for the complainant/respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.107 dated 24.09.2016 under Sections 498A/406 IPC, Police Station Sadar, Sri Muktsar Sahib.

As per the allegations in the FIR, marriage between the petitioner and the complainant was solemnized on 28.01.2015. It is stated that the petitioner was purported to be working as a Draftsman and his father as a Lineman in PSPCL. Therefore, it was demanded that ₹15,00,000/- should be spent on the

marriage. The complainant, it is stated, is the only girl of her parents therefore, all the demands of the accused were agreed to be fulfilled by her parents. The complainant's father even sold some of his property to meet the demand of the accused persons. Details of the articles given at the time of marriage of the petitioner and the complainant are given in the FIR. It is stated that all gold ornaments of the complainant were taken by the accused on the pretext that it would not be safe to keep the same with her. The said gold ornaments were never returned to her rather the complainant was treated like a servant in the family. Instances of physical abuse are also mentioned in the FIR. A son was born out of this wedlock. Further demand was raised at his birth. A sum of ₹1,50,000/-, it is alleged, was paid to the accused after the birth of the child. However, the behaviour of the accused did not improve. The complainant was turned out of the matrimonial home in June, 2015 and she stayed with her parents for about two and half months. Her parents took her back to the matrimonial home for having her rehabilitated. She was left there, but she was physically abused thereafter by the accused. Two of her teeth were also broken. It is stated that the accused persons accepted their mistake before the Panchayat. Another sum of ₹50,000/- as well as gold ring was given to the accused. Still the complainant was again turned out of the matrimonial home about one and half month prior to the lodging of the abovesaid FIR. An attempt was made to rehabilitate her in the matrimonial home on 12.07.2016 when the parents of the complainant alongwith her went there, but the accused did not open the door and abused them using vulgar language. Thereafter, a demand of ₹3,00,000/- was made on the pretext that she

would be rehabilitated only on its receipt. The present FIR was thus registered.

Learned counsel for the petitioner vehemently argues that the petitioner has been falsely implicated in this case. The present FIR is only a counter-blast to an application dated 11.07.2016 submitted by the petitioner before the SHO, Police Station Kotkapura wherein it was averred that the complainant alongwith some other persons came to the matrimonial home on 11.07.2016, pushed at the door of their house and tried to kill them. It is further vehemently argued that the complainant had given an application in a matter relating to FIR No.198 dated 24.06.2014 under Section 135 of the Electricity Act lodged against her father. The said application was found false on inquiry (Annexure P5). It is thus contended that the complainant is habitual of making false complaints. It is further submitted that the dowry articles have been returned and the petitioner has joined investigation. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while submitting that there are specific allegations of ill-treatment and harassment meted out to the complainant. All attempts at rehabilitation of the complainant in the matrimonial home had failed. Application dated 11.07.2016 has been submitted by the petitioner with a malafide intention as it is specifically mentioned in the FIR that on the said date the complainant accompanied by her parents had come to the matrimonial home however, the petitioner and the other accused did not open the door and abused them. Application in the FIR registered against the complainant's father in 2014 has no relevance to the controversy in hand and by no stretch of imagination can the complainant be branded as a

habitual complainant. It is thus prayed that this petition be dismissed.

Learned counsel for the State, on instructions from HC Surjit Singh, submits that articles except the gold ornaments, the list of which was given by the complainant at a later stage, have been recovered.

I have heard learned counsel for the parties and have gone through the file.

It is noticed that in para 2 of the petition, it is specifically mentioned that the complainant left the matrimonial home on her own. The petitioner even filed a petition under Section 9 of the Hindu Marriage Act, 1955 (for short, the 'HMA'). Thus at the time of filing of this petition, it was projected as if the petitioner sought resumption of matrimonial ties. The matter was placed before the Mediation and Conciliation Centre of this Court on two occasions however, mediation failed. It is noted by this Court on 09.10.2017 that the complainant still seeks rehabilitation of matrimonial ties whereas the petitioner is not ready for the same. Today, learned counsel for the petitioner submits that the petition under Section 9 of the HMA was withdrawn and a petition under Section 13 of the HMA has been filed on 14.02.2018.

Keeping in view the facts and circumstances of the case as well as the conduct of the petitioner, I do not find that he is entitled to the concession of anticipatory bail.

This petition is accordingly dismissed.

February 22, 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No