

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

Criminal Misc. No.M- 41762 of 2016(O&M)

Date of Decision: March 08 , 2018.

Darshan Singh

..... PETITIONER (s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gaurav Partap S.Pathania, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Munish Puri, Advocate
for the complainant/respondent No.2.

LISA GILL, J.

The petitioner seeks the concession of anticipatory bail in FIR No.17 dated 10.03.2016 under Sections 498A/406/494/120B IPC, registered at Police Station Shahpurkandi, District Pathankot.

It is submitted that the petitioner has been falsely implicated in this case. The complainant, in fact, had left the matrimonial home in the year 2009. Marriage was solemnized between the petitioner and the complainant in the year 2007. The present FIR has been lodged with an ulterior motive after an explained delay. Moreover, the matter was compromised between the parties on 21.09.2009 as reflected in the document attached as Annexure P2 (Talaqnama)

with this petition whereby it was decided between the parties that they would dissolve their marriage. A sum of ₹1,00,000/- was handed over to the complainant at that time, though it is not denied that there is no substantive proof of the said amount being handed over to the complainant. The complainant, it is alleged, is living with another person. Reference is made to a document (Annexure P3) purportedly issued by the Gram Panchayat, village Azizpur. The petitioner, it is submitted, has joined investigation. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while refuting the averments that any divorce was ever sought or granted to the parties. To the contrary the petitioner, it is submitted, has solemnized second marriage without seeking divorce from the complainant and children are also born out of this illegal alliance. Allegations of the complainant having remarried or living with any other person are denied being incorrect. It is stated that the complainant is living in her parental home. Her mother has recently passed away. Moreover despite various opportunities, the petitioner did not come forward for effective mediation. He has not come present despite a specific direction by this Court neither have the litigation/travelling expenses of ₹12,000/- been handed over to respondent No.2 as directed by this Court. It is thus prayed that this petition be dismissed.

Learned counsel for the State, on instructions from ASI Devinder Singh, submits that the petitioner has joined investigation, however no recovery was effected.

Learned counsel for the petitioner submits that, in fact, all dowry

articles stood returned in September, 2009 itself.

Be that as it may, conduct of the petitioner before this Court is to be deprecated. Litigation/travelling expenses as directed by this Court vide orders 12.09.2017 and 08.12.2017 have not been deposited till date. Specific directions were issued to the petitioner to remain present before this Court. Adjournments were sought on one pretext or the other on behalf of the petitioner. However, he did not come present in deference to the said orders. Ultimately, interim bail granted in favour of the petitioner way-back in November 2016 was vacated. At this juncture, it is to be noted that the learned Sessions Judge, Bathinda while deciding the petitioner's bail application on 13.07.2016 noticed similar conduct of the petitioner wherein he did not appear before the said court. It is relevant to note that in the present proceedings the petitioner joined investigation after being granted indulgence thrice by this Court. It is clear that the petitioner had sought to delay the proceedings to enjoy the interim relief.

Keeping in view the facts and circumstances as above, especially the conduct of the petitioner as well as non-payment of the litigation/travelling expenses to respondent No.2, no ground is made out for grant of concession of anticipatory bail to the petitioner.

This petition is accordingly dismissed.

March 08, 2018.
'om'

(LISA GILL)
JUDGE

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