

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

CRM-M No.44142 of 2018
Date of decision: 15th October, 2018

Avish Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Malika Sethi Sobti, Advocate for the petitioner.
Mr. Dhruv Dayal, Sr. Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

This order shall dispose off the anticipatory bail application under Section 438 Cr.P.C. of petitioner Avish Sharma. The brief allegations that have come about from complainant Rajni are that she was married with the petitioner on 08.10.2011 where sufficient dowry articles were given and that a matrimonial disaccord has been brewing between the couple throughout the matrimonial life leading to registration of the present case on 04.05.2018 on the allegations that the husband and the in-laws often used to taunt her and give her beatings on account of non-fulfillment of their demands.

Ms. Malika Sethi Sobti, Advocate appearing on behalf of the petitioner has submitted that the FIR has been lodged after seven years of marriage and that it was purely a matrimonial disaccord which has been given the shape of the present set of allegations and that nothing is to be recovered from the petitioner.

On behalf of the State, the bail application is sought to be opposed by Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab on instructions from SI Kidar Singh from Police Station Dina Nagar, District Gurdaspur, on the grounds that throughout the matrimonial life of the parties, the husband has been torturing the wife and therefore, in view of the allegations levelled, is not entitled to any concession of anticipatory bail.

Appreciating the submissions of the two sides, apparently the allegations have come about after seven years of marriage and the only allegations are cruelty and harassment to the complainant wife. Admittedly, nothing is to be recovered from the petitioner and his joining the investigations would suffice the purpose and it would be a travesty of justice to send him behind the bars.

In view thereof, in the event of arrest, the petitioner shall be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 15, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No