

CRM-M-4582 of 2016(O&M)1

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

CRM-M-4582 of 2016(O&M)

Date of Decision: 09.02.2018

Mohit Jaiswal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Abimanyu Kalsy, Advocate
for the petitioner.

Ms. Monika Jalota, DAG., Punjab.

Mr. Sourabh Goel, Advocate
for respondent no.2.

LISA GILL, J (Oral).

Petitioner seeks the concession of bail pending trial in FIR No. 0221 dated 14.12.2015, under Sections 406, 498-A IPC, registered at Police Station Mataur, District SAS Nagar, Mohali.

It is submitted that the petitioner has been falsely implicated in this case. The complainant left her matrimonial home out of her own accord with the minor child. Moreover, there is an unexplained delay in lodging of this FIR. The complainant had left her matrimonial home in the last week of February 2015, whereas the present FIR has been registered in December 2015. Petitioner has filed a petition under Section 9 of the Hindu Marriage Act, 1955, prior to the registration of the FIR. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while submitting that the petitioner only seeks to prolong the present

CRM-M-4582 of 2016(O&M)2

proceedings in view of the interim order passed in his favour. During mediation, the petitioner was not ready and willing to amicably resolve the dispute. He has not even paid the amount of maintenance which was assessed by the learned Judicial Magistrate Ist Class, Mohali, vide ex-parte order dated 31.03.2017. It is further submitted that the petitioner filed an application for setting aside the ex-parte order dated 31.03.2017 but he is not even pursuing the said application. His petition under Section 9 of the Hindu Marriage Act, 1955, has since been dismissed in default on 27.11.2017. It is contended that the said petition under Section 9 of the Hindu Marriage Act, 1955 was clearly filed with ulterior motives even though the petitioner had no intention to rehabilitate the complainant and the minor child.

Learned counsel for the State, on instructions from ASI Jasmer Singh, informs that the petitioner has joined investigation. However, recovery of gold jewellery is yet to be effected.

As per the allegations in the FIR, after solemnization of the marriage with the complainant on 10.11.2013, the complainant was subjected to ill-treatment and harassment at the hands of the petitioner and her in-laws. It is stated that all her jewellery was mortgaged with Muthoot finance by her in-laws. After birth of their daughter on 08.08.2014, ill-treatment meted out to the complainant is stated to have increased. It is further stated that the petitioner being a drug addict was admitted in Hospital Pukar Sewa Society, Paschim Vihar at Delhi for de-addiction but his family proclaimed that he was doing some service at Jammu. The petitioner is alleged to be unemployed not engaged in any avocation.

Mediation between the parties had failed. Petitioner on a specific query had refused to deposit any amount other than ₹50,000/- as security for the minor child. It is not denied that petition under Section 9 of the Hindu Marriage Act, 1955, was dismissed in default.

CRM-M-4582 of 2016(O&M)3

Keeping in view the facts and circumstances of the case, no ground is made out to afford the concession of anticipatory bail to the petitioner in this case.

Accordingly, this petition is 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.

09.02.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.