

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

Crl. Misc. M-642 of 2016 (O&M)
Date of Decision: January 11, 2018

Navpreet Singh Sandhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Pandher, Advocate
for the petitioner.

Mrs. Anju Arora, Addl. AG Punjab.

Mr. G.S. Nahel, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.21 dated 14.11.2015, registered under Sections 406, 498-A, 120-B, 34 of Indian Penal Code at Police Station NRI, Amritsar.

In the instant case, the marriage of the petitioner was solemnized with Harleen Kaur on 04.04.2014. Prior to that a ring ceremony was performed on 22.03.2014 at Park View Hotel, Sector 24, Chandigarh and a sum of Rs.25 lakhs was spent in the said function. It was alleged that a sum of Rs.50 lakhs was spent in the marriage and sum of Rs.1 crore was given in cash for purchase of luxurious car and furniture. It was mentioned

that daughter of the complainant faced cruel behaviour and treatment at the hands of the accused persons. That is why, the relationship of the petitioner and daughter of the complainant could not survive the test of time, which resulted in the registration of the instant FIR. The petitioner herein approached the court of Addl. Sessions Judge, Amritsar for grant of anticipatory bail, which application came to be dismissed on 22.12.2015. Thereafter, though the instant petition, the petitioner herein has approached this court seeking anticipatory bail.

Learned counsel for the petitioner argued that the petitioner has been falsely implicated in the present case. It is submitted that the marriage between the parties was a dowry-less marriage. It is contended that in the earlier complaint dated 31.08.2015, no allegations regarding demand of dowry were made by the complainant and whole of the story is subsequently concocted. It is argued that the complainant and her daughter are not at all interested in continuing their relations with the petitioner's family and in order to fetch money from the petitioner, the instant FIR has been lodged by using their influence.

Per contra, learned counsel appearing on behalf of the complainant opposes the grant of anticipatory bail to the petitioner, while arguing that the amount of Rs.1 crore so paid to the petitioner as well as the gold ornaments and other articles are yet to be recovered.

I have heard learned counsel for the parties, apart from perusing the record.

In the instant petition, while issuing the notice of motion on 11.01.2016, interim bail was granted to the petitioner. During the

pendency of proceedings before this court, the matter was referred to the Mediator twice to explore the chances of amicable settlement, which remained unsuccessful. Thereafter, before this court, an offer had been made by the petitioner to settle the dispute at Rs.8 lakhs, which offer was denied by the complainant, while submitting that over a sum of rupees one crore fifty lacs were spent at the wedding, inclusive of Rs.1 crore, which was handed over to the petitioner. The complainant has also handed over certain bills, bank statements and photographs of wedding to the Investigating Officer, in support of her contentions. On this, learned counsel appearing on behalf of the respondent-State was directed to verify the above fact, besides to find out the financial status of the petitioner including the land holdings, commercial properties in the name of petitioner and his family members.

Today, learned counsel appearing on behalf of the respondent-State, on instructions from ASI Baljeet Singh, submits that on verification of the bills and other documents relied upon/supplied by the complainant, it is found that more than Rs.1 crore was spent in the marriage. Learned State counsel also places on record certain documents, while submitting that father of the petitioner owns 30 acres of land, one commission agent shop and one car. It is also submitted that recovery of the dowry articles including the gold items and the cash amount given to the petitioner at the time of wedding, is yet to be effected.

The grant of anticipatory bail is a discretionary relief and the conduct of the petitioner has to be seen as well. A reading of the FIR goes on to show that a specific role has been attributed to the petitioner herein

inter alia for giving beatings/torture/harassment to the complainant. This court in a matter of simple recovery would not have denied the relief of anticipatory bail to the petitioner. However, apart from the allegations of demand of dowry, cruelty, harassment etc., in the instant case, there are specific allegations of misappropriation of Rs.1 crore handed over to him and on verification of bills, statement of account and other material by the Investigating Officer, it is found that more than a sum of Rs.1 crore was spent in the marriage. Under these circumstances, categorical stand of the petitioner that it was a dowry less marriage, does not hold good.

Keeping in view the peculiar facts and circumstances of the present case and conduct of the petitioner, this court is not inclined to grant him the discretionary relief of anticipatory bail.

In view of the above, the petition in hand is hereby dismissed.

Anything observed hereinabove is only for the purpose of deciding the anticipatory bail application and not to be construed as an opinion merits of the case.

January 11, 2018

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(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No