

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-49222 of 2018 (O&M)
Date of decision : December 19, 2018

Kashish Dhiman

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Harsh Garg, Advocate, for the petitioner
Mr. Dhruv Dayal, Sr. DAG, Punjab for the State
Mr. Gurcharan Dass, Advocate, for respondent no. 2

Fateh Deep Singh, J. (Oral)

This order shall dispose of first anticipatory bail application under Section 438 Cr.P.C. of accused petitioner Kashish Dhiman filed in case bearing FIR No. 74 dated 26.9.2018 under Sections 498-A, 406 IPC, Police Station Women, Ludhiana which has been lodged by the complainant wife.

In her allegations the wife claims that she was married to the petitioner on 13.4.2015 and where as per demands and desires of the boys' side the family of the petitioner had given costly articles, gold ornaments etc. It is alleged that the accused husband, his

parents with a pre-determined deception managed to take the gold articles which forms her Ishtridhan from her on a false pretence but subsequently usurped the same to pay for their debts. It is alleged that inspite of best efforts of the complainant and her family, the accused refused to return back the articles of Ishtridhan which were meant for her own personal use and rather she throughout her stay in the matrimonial home was physically abused and as a consequence of which she was forced out of her matrimonial home and on her complaint the present case was got registered on 26.9.2018.

Mr. Harsh Garg, learned counsel for the petitioner submits that there is no specific entrustment of any of the articles of Ishtridhan to the petitioner and that there are only general and vague insinuation. It was argued that the marriage was a simple affair where not much was given or taken and therefore, being simpliciter disaccord in a matrimony, the present case has been falsely got registered.

Mr. Dhruv Dayal, learned State counsel assisted by Mr. Gurcharan Dass, counsel for complainant/respondent no. 2 has stoutly opposed the grant of bail on the grounds that there are specific allegations of handing over of the articles of Ishtridhan including gold jewellery to the accused side and the accused having usurped the same/converted the same into their own use

necessitates custodial interrogation of the petitioner being husband arguing that if allowed bail, he would certainly influence the witnesses and might abscond.

Going through the submissions of the two sides, there are specific allegations of handing over gold jewellery articles to the accused side but have subsequently backed out of it when demand was made by the complainant for their return as they were meant for her own personal use. The petitioner happens to be the husband and principal accused and as the allegations bear out has been instrumental in maltreating the wife and in ensuring that she does not gets back in her matrimonial home are matters of much significance. There is element of entrustment of articles of Ishtridhan and breach of trust qua them. Thus, no ground for bail is made out. The present petition is dismissed.

December 19, 2018

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No