

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

CRM-M-6422-2018

Date of decision:-20.8.2018

Namdev Goswami @ Gaurav

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Mr. S.K. Rattan, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.D.S. Randhawa, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Namdev Goswami @ Gaurav, an accused in FIR No.86 dated 21.9.2017, under Sections 498-A, 406 IPC, registered at Police Station Women Cell, Ludhiana.

Briefly stated, the facts of the case are that FIR in question was lodged by complainant Rama Goswami, wife of the petitioner by way of submitting a written complaint addressed to Police Commissioner, Ludhiana, wherein she alleged that her husband Namdev Goswami @ Gaurav had been harassing and maltreating her so as to pressurize her to

bring more dowry articles, though her parents had given considerable articles at the time of marriage, going to the extent of giving physical beatings to her besides threatening to kill her, ultimately throwing her out of the matrimonial house in three wearing clothes.

On receipt of this complaint, the matter was probed by the police. Thereafter, formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail but his such application was declined by learned Additional Sessions Judge, Ludhiana vide order dated 18.12.2017. Feeling aggrieved, he has approached this Court for grant of similar relief.

Notice of the petition was issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

There are specific allegations against the petitioner of raising demand of dowry from his wife - the complainant and on her expressing inability to do so, maltreating her and torturing her going to the extent of giving beatings to her. He is stated to be in possession of some of the dowry articles of the complainant in the form of gold ornaments and two mobile phones. Though he has joined the investigation, but as stated by the State counsel, he has not got recovery of such articles effected. His custodial interrogation is required to effect the recovery of such articles as well as for complete and effective investigation to find out the reasons as to why he behaved with his legally wedded wife in such a manner perpetrating cruelty upon her, raising demand of more dowry and going to

the extent of giving beatings to her.

A perusal of interim order dated 15.2.2018 goes to show that when the petition came up for hearing for the first time, learned counsel for the petitioner stated that the petitioner was ready to resolve the entire dispute with his wife, the complainant amicably. As such, notice of motion was issued and interim bail was granted to him. Subsequently, the matter was referred to mediation but that did not prove to be successful. As stated by learned counsel for the complainant, the petitioner has already filed a petition for divorce against the complainant, which is pending in the Court of Additional District Judge, Jammu.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

In case custodial interrogation of the petitioner is denied to the investigating agency, that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

20.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No