

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

**Criminal Misc. No. M-723 of 2019 (O&M)**  
**Date of decision : February 13, 2019**

Gautam Kumar

....Petitioner

versus

State of Haryana

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

**Present :** Mr. R.K.Gupta, Advocate, for the petitioner  
Mr. Amrik Narwal, DAG Haryana for the State with  
L/ASI Babita, PS Women, Gurugram

**Fateh Deep Singh, J. (Oral)**

The present case against accused including the present petitioner Gautam Kumar husband in this first anticipatory bail application under Section 438 Cr.P.C. filed in case FIR No. 100 dated 21.11.2018, under Sections 498-A, 406, 323, 506/34 IPC and Sections 3 and 4 of Dowry Prohibitiong Act, Police Station Women, Gurugram, have been levelled by wife Sneha Lata. In her allegations the wife alleges that she was married to the petitioner on 18.2.2018 and since the inception of the marriage, the husband has been ill-treating, harassing and torturing her physically as well as mentally confining her in the room and did not allow her to venture out

as she was gainfully employed. It is alleged that at times the husband in a fit of rage would throw house hold articles at her and physically abuse her by pulling her hair, giving her beatings and abuses in filthy language and on 24.10.2018 had given her severe beatings and she was medically examined and subsequently on her complaint the present case was got registered.

Learned counsel for the petitioner has vehemently argued that the alleged injuries are false and fabricated afterthought by the wife in connivance with the medical authorities. It is contended that the husband is working in National Institute of Pharmaceutical Education Research (NIPER), Mohali and rather it was the wife who had not accepted this marriage as she often remarked that she was not willing to undergo this marriage but was forced into it and that co-accused of the petitioner have been allowed bail and nothing is to be recovered.

Mr. Amrik Narwal, learned State counsel has opposed the grant of bail on the grounds that the medico legal examination report of the wife shows multiple injuries together with the mobile recordings during the course of such beatings corroborate the fact of these allegations and that the custodial interrogation of the petitioner is very much essential.

Going through the submissions, the complainant as per the medico legal examination report has been assaulted on 24.10.2018 around 8.00 PM and her medico legal examination conducted the next morning and shows a number of injuries on various parts of the body. It is there in the allegations of the wife that it was intimidating act of the husband that she

was forced to leave her job and education and that the picturization of her ill treatment are itself suggestive of the immense torture heaped upon her at the hands of the petitioner. In the light of the seriousness of the allegations and heinousness of the offence, custodial interrogation of the petitioner is very much essential. Finding no merit in the instant petition, the same stands dismissed.

**February 13, 2019**

**'tiwana'**

**( Fateh Deep Singh )  
Judge**

*Whether speaking/reasoned ?*

*Yes/No*

*Whether Reportable ?*

*Yes/No*