

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

CRM-M-905 of 2019 (O&M)

Decided on:- May 23, 2019.

Manoj Kaushal.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Saurabh Sharma, Advocate
for the petitioner.

Ms. Mahima Yashpal, A.A.G., Haryana.

Mr. S.S. Dinarpur, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.124 dated 01.12.2018 under Sections 498-A, 406, 506 and 323 IPC registered at Police Station Women Yamuna Nagar, District Yamuna Nagar.

As per the FIR, respondent No.2-complainant was married with the petitioner on 06.02.2017. Her parents spent about Rs.25 lakh on her marriage as per the demand made by the accused. Sufficient gold and silver ornaments, utensils, clothes and other expensive gifts and Royal Enfield motorcycle were given in the marriage. However, after the marriage, she was harassed, tortured and maltreated on account of bringing less dowry and on

the ground that she has not brought a luxury car and the marriage was not solemnised as per their status. The parents of the complainant had given expensive gifts as Stridhan which include 158.186 grams gold and 62.82 grams silver. The in-laws of the complainant had assured that all gold and silver ornaments would be given to the complainant for her use on reaching the matrimonial home or whenever the need would arise, but these articles were never given to her. After marriage, the complainant and the petitioner stayed as husband and wife at Ambala Cantt. No child was born from this wedlock. After few days of marriage, the complainant realised that accused persons are very greedy and were not happy with the dowry articles. After two days of marriage, the petitioner got tired of the complainant and rather taunted her for bringing motorcycle instead of a car. The petitioner started taunting the complainant that her parents have spent very less amount in the marriage and the same is not as per their status. The mother-in-law of the complainant started saying that parents of the complainant are greedy kind of people. She started giving taunts that very highly reputed match used to come for their son, who were ready to give car in the marriage. By not giving the car, parents of the complainant have insulted the accused in the eyes of society. The attitude of accused towards the complainant kept on changing everyday and became cruel. The complainant was made to work like a maid. Despite the fact that there were other women in the house, no one used to do any household work. The complainant used to wipe the floors in the house of sister of mother-in-law. Everybody used to make fun of the complainant and laugh at her. Even her (complainant's) health deteriorated, but the accused

never got her treated from good hospital. Whenever the complainant used to ask for day to day expenses, the money used to be given in the form of coins in a manner that her standard is like a beggar only. The complainant, who was required to make day to day expenses was not allowed by the mother-in-law to join any job. When the complainant used to ask for jewellery for wearing in any function or festival, the mother-in-law would refuse. Rather, the petitioner told that he has sold all the jewellery and he started beating her in drunken state. On the eve of Diwali in the year 2017, brother of the complainant brought sweets and LED TV 32" as a gift, but the petitioner and father-in-law of the complainant treated him (brother of the complainant) very badly and said that father of the complainant has lowered down the standard of the accused by sending LED and even the labourers would not like to buy such TV these days. The brother of the complainant was made to leave the house with great humiliation. In December, 2017, the petitioner took the complainant to Delhi and they started living in Kamla Nagar, Delhi. The complainant sought admission in Yoga course so that she could get a job on its basis in future, but the accused refused to pay for the admission fee in the said course.

Thereafter, the complainant became very ill, but the accused persons including the petitioner did not get her treated. Even the petitioner used to snatch money from her and spend the same on liquor to which he is addicted. On 13.01.2018, father of the complainant had come to Delhi and gave her Rs.11,000/- for purchasing a washing machine, but the petitioner was not satisfied and told the complainant that if her father has to give

something, he should get a flat in Noida for the petitioner. When the complainant said that her parents cannot fulfil this demand, the petitioner gave her beatings. Even the parents-in-law of the complainant started pressurising her to get them a flat in Noida from her father. Ultimately, on 03.06.2018, parents of the complainant brought her to Jagadhri and got her treated from various doctors.

On 23.06.2018, the parents of complainant convened a Panchayat at the house of the accused persons at Ambala which was attended by respectable members of the society. However, the accused persons remained adamant on their demand. When the parents of complainant asked for the Stridhan (gold and silver jewellery) of the complainant given at the time of marriage, the accused persons flatly refused to return the same, rather, they also refused to keep the complainant in her matrimonial house.

Learned counsel for the petitioner has argued that the allegations against the petitioner are totally false and are of general nature. In fact, the petitioner is a real victim and he has been made to suffer at the hands of complainant. The complainant is root cause of all problems as she has done nothing but misbehaved with the petitioner and his parents and went to the extent of uprooting the petitioner from his job which has in turn made the life of the petitioner very pitiable. The whole family has been roped in the case. The marriage of petitioner with the complainant was simple and neither any dowry was demanded nor exchanged. The petitioner has clean antecedents and is a respectable member of the society.

On the other hand, learned counsel for respondent No.2-complainant has argued that recovery of dowry articles is yet to be effected and despite ample opportunities, the petitioner is not cooperating with the investigating officer.

Learned State counsel has argued that the complainant has produced the bills of jewellery of about Rs.3.15 lakh and this recovery is yet to be effected. These bills were issued on 04.01.2017 and 04.02.2017 i.e. immediately before the marriage, which was solemnised on 06.02.2017. Therefore, custodial interrogation of the petitioner is required in the case.

I have heard learned counsel for the parties.

Vide order dated 11.01.2019 passed by this Court, notice of motion was issued on the statement of learned counsel for the petitioner that the petitioner is ready to resolve the dispute and accordingly, arrest of the petitioner was stayed. Thereafter, the matter was referred to mediation, but no amicable settlement could be arrived at.

The marriage between the petitioner and respondent No.2 was solemnised on 06.02.2017 and the allegations are that immediately thereafter, the complainant was harassed and humiliated by the petitioner and his parents for demand of dowry. The recovery in the case has not been effected. The complainant has alleged that her parents had spent about Rs.25 lakh in the marriage and gave expensive gifts as Stridhan which include 158.186 grams gold/silver jewellery and 62.82 grams silver, utensils, clothes, expensive gifts and a Royal Enfield motorcycle in the marriage. The petitioner is husband of the complainant and dowry articles are yet to be recovered. The jewellery of

about Rs.3.15 lakh was purchased by the family of the complainant immediately before the marriage. Even the household articles are yet to be recovered in the case. Therefore, this Court finds that custodial interrogation of the petitioner is required as despite ample opportunities, the recovery of dowry articles have not been effected in the case.

Therefore, this Court finds that no ground is made out for grant of anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

May 23, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No