

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-3014-2019 (O&M)
Date of Decision:-28.8.2019

Arvind Kumar @ Arvind Harjai and another ... Petitioners

Versus

State of Punjab and another ... Respondents

(II)

CRM-M-4301-2019 (O&M)

Jatin Harjai ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yogesh Goel, Advocate for the petitioner(s).

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by SI Tarsem Singh.

Mr. S.S. Behl, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose of the aforesaid two petitions filed on behalf of the petitioners, Arvind Kumar @ Arvind Harjai, Laddi Harjai and Jatin Harjai, seeking grant of anticipatory bail in respect of a case registered vide FIR No.127 dated 15.11.2018 at Police Station Women Cell, Ludhiana under Sections 406 and 498-A of Indian Penal Code, 1860.

2. The FIR was lodged at the instance of Shruti Sethi against her husband Jatin Harjai, father-in-law Arvind Kumar @ Arvind Harjai and mother-in-law Laddi Harjai. The complainant alleged that she is an Advocate by profession and was married to Jatin Harjai on 9.5.2016, wherein her father had spent an amount of ₹35 lacs on the marriage as well as on the dowry articles. It is alleged that jewellery as well as cash amount were given to the accused and that various household articles including LED TV, washing machine, electric household goods etc. were given to the members of her in-laws family. It is further alleged that gold jewellery, which comprised *stridhan* was entrusted to complainant's mother-in-law Smt. Laddi Harjai and her sister-in-law namely Geetika Harjai. The complainant has asserted that the accused were, however, not satisfied with the dowry and started taunting her and demanded more dowry and also a Fortuner car. It is alleged that on several occasions complainant's husband slapped her under the influence of his mother and sister in order to build up pressure for demand of car. It is also alleged that when she became pregnant she was not taken care of leading to miscarriage. The accused are also alleged to have misappropriated the articles of *stridhan* belonging to the complainant. The complainant has alleged that she was given beatings by the accused and other members of his family and was ultimately thrown out of her matrimonial home.
3. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that the present case is infact a case of matrimonial incompatibility, which has been given colour of a criminal offence by the complainant, who herself is a lawyer as would be apparent from the long and comprehensive FIR.

4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that since there are specific and categoric allegations against the accused, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR would show that the case has apparently arisen out of some matrimonial discord amongst the parties. It will be only after evidence is led that a positive finding can be returned as to whether the allegations carry any substance or not. At this stage, this Court deems appropriate to refrain from making an expression on merits. The petitioners, in any case, have already joined investigation.
7. Having regard to the facts and circumstances of the case, this Court does not find it to be a case warranting custodial interrogation. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 23.1.2019 (in CRM-M-3014-2019) and vide order dated 11.2.2019 (in CRM-5207-2019 in CRM-M-4301-2019) are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. The amount deposited by the petitioners pursuant to interim directions issued by this Court i.e. an amount of ₹1 lac by the petitioner Jatin Harjai and ₹2 lacs by the petitioners Arvind Kumar @ Arvind Harjai and Laddi Harjai, shall be disbursed to the complainant. In case, any FDRs have already been made in respect of the said amount, which was deposited before the trial Court, the needful shall be done to ensure that the proceeds

of the FDRs are given to the complainant or transferred to her bank account.
The petitioners are directed to do the needful for ensuring that the aforesaid amount is transferred to the bank account of the complainant.

9. This petitions stand accepted accordingly.

28.8.2019
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No