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

CRM-M-3698-2019 (O&M)

Date of decision: 01.11.2019

MANMEET SINGH

.... Petitioner

versus

STATE OF PUNJAB & ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ramneek Vasudeva, Advocate, for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab, for respondent No.1.

Mr. Abhijeet Partap, Advocate, for respondent No.2.

HARI PAL VERMA, J. (Oral)

CRM-33529-2019

Prayer in this application filed under Section 482 Cr.P.C. is to place on record Annexures R-1 and R-2.

For the reasons stated in the application, same is allowed and the documents Annexures R-1 and R-2 are taken on record.

CRM-M-3698-2019

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.129 dated 16.11.2018 registered under Sections 406, 498-A of IPC at Police Station Women, District Police Commissionerate, Ludhiana.

The aforesaid FIR was registered at the behest of Harmanjot Kaur, whose marriage was solemnized with the petitioner on 21.10.2015. As per the FIR, at the time of marriage, father of the complainant had given

sufficient dowry which included 20 tollas of gold, household articles and istridhan. Her parents gave all the articles for the use of her daughter, but her in-laws did not give them to her, rather destroyed all the articles. After the marriage, the accused persons started harassing her for bringing less dowry and started giving her beatings. Because of their attitude, she (complainant) used to remain ill, under depression and became sick physically in April, 2016. She got treatment from Max Hospital, Noida, but her health did not improve and she started taking treatment at PGI, Chandigarh. Despite being unwell, she was tortured by the accused on account of demand of dowry. Being scared from their threats, she purchased a Baleno car No.PB-12-AC-3645 from Mohali, in her name and paying its installments. After purchasing car, the accused persons started taunting the complainant and threatened that they cannot get her treated anymore and rather will divorce her and will solemnize second marriage of the petitioner. In June, 2017, the accused persons in connivance with each other had forcibly thrown her out of the matrimonial house. She (complainant) asked them to return her gold, istridhan articles and her car, but they refused to return anything.

Counsel for the petitioner has argued that the complainant has not disclosed the factum of her chronic disease before her marriage with the petitioner and intentionally concealed. The marriage was solemnized on 21.10.2015 and she was diagnosed chronic lung ailment on 31.03.2016. Thereafter, the petitioner is getting the complainant treated regularly. She was working and posted at Noida and therefore, she was taken to Max Hospital at Noida for treatment. No recovery of any dowry articles is to be

effected in the case. Even the car, which was purchased after marriage in the name of complainant, the petitioner has paid the monthly EMIs to the extent of Rs.1.25 lakhs and the car is in the possession of the complainant. No jewellery was given in the marriage and whatever jewellery she had with her, had taken away with her while leaving the matrimonial home.

Counsel for the complainant has argued that the petitioner is not extending any help to the complainant despite knowing it well that she has a serious ailment and getting treatment from PGI, Chandigarh. At the time of marriage, she was perfectly fine, but it is after marriage, she has suffered this ailment. 20 tollas gold was given in the marriage to the complainant, but only 3 tollas has been recovered so far though as on date, the car is in her possession. The complainant is paying the installments of the car. The petitioner has not handed over the certificates of the complainant and, therefore, the petitioner is not entitled for bail. He further states that the petitioner is in arrears of maintenance also and he has not paid that amount, though the complainant is otherwise badly in need of finance, so as to get her treatment from PGI effectively.

Learned State counsel, on instructions from ASI Satnam Singh, has argued that the petitioner has joined the investigation and around 10 to 12 tollas gold is yet to be recovered in the case. However, she submits that the car in the case has already been recovered and the same has been handed over to the complainant, though few certificates are yet to be recovered.

I have heard counsel for the parties.

So far as recovery of gold is concerned, there is a variance in the stand of the complainant as well as the IO, but irrespective of that fact

and in order to protect the interest of the complainant, at this stage, the petitioner is directed to deposit a sum of Rs.4 lakhs with the Duty Magistrate, Ludhiana, within two months from today, by way of FDR, initially for a period of one year and this amount would be released to the parties subject to the outcome of the trial. In case the petitioner is acquitted in the trial Court, he will get this amount and in case, he is convicted, the complainant will get this amount.

In case the aforesaid amount is not deposited within the stipulated time, the present petition shall deem to have been dismissed.

The recovery of certificates or other articles is subject to the outcome of trial.

Moreover, the Hon'ble Supreme Court in ***Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836*** has held that merely because recovery of some articles is to be effected in matrimonial cases, is no ground to decline bail.

In view of above, present petition is allowed and the order dated 11.03.2019 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

(HARI PAL VERMA)
JUDGE

01.11.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No