

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

CRM-M-6362 of 2019.

Decided on:- October 16, 2019.

Raman Kumar.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. B.S. Randhawa, Advocate
for respondent No.2.

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.103 dated 24.12.2018 under Sections 406 and 498-A IPC registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.

The aforesaid FIR was registered at the behest of respondent No.2 Geeta whose marriage was solemnised with the petitioner on 23.10.2016. As per the FIR, enough dowry was given in the marriage by the parents of the complainant, much beyond their capacity, which include motorcycle (bullet), almirah, fridge, cooler, washing machine, LED and gold to the tune of 8 Tolas. But right from the first day of marriage, her in-laws

started taunting her for bringing less dowry and started harassing her in order to bring a car. The accused used bad words against her mother and brother. They did not allow her to meet her parents and relatives. Her father-in-law Manohar Lal asked her that if she wants to meet them, then she should go permanently, otherwise there is no need to visit them. The in-laws and brother-in-law (Devar) have been giving beating to the complainant. She was left at her parental home and the accused have never come to take her back to matrimonial home.

The FIR contains that the petitioner used to threaten the mother and brother of the complainant on phone and also used to say unwanted things to them. When the petitioner had come to take the complainant from her parental home, he told her that he will take her back to the matrimonial home, but she will have to come along with a car as dowry and only then, he will take her back. The mother of the complainant has already given sufficient dowry beyond her capacity. Since the complainant's family could not fulfil the demand of car, the petitioner had come on leave and had been threatening the complainant through unidentified persons and in this manner, the complainant apprehended threat to her life. The matter was reported to the police on helpline No.100. Thereafter, the matter was compromised on 25.05.2017. Now, the complainant has come to know that the petitioner is intending to go abroad.

On February 11, 2019, on the statement of learned counsel for the petitioner that the petitioner is ready to take respondent No.2-wife with him or to settle the dispute with her, arrest of the petitioner was stayed by this Court and the matter was referred to mediation. Thereafter, the matter was

adjourned to different dates and on October 04, 2019, learned counsel for the petitioner, on instructions from the petitioner, who was present in Court, had submitted that as on date, the petitioner is staying in some PG and he is searching for some alternative accommodation, so that he can take his wife with him. While adjourning the case for today, it was made clear that no further adjournment shall be granted.

Today, a new counsel has appeared in this case on behalf of the petitioner.

Learned counsel for the petitioner has argued that the petitioner is working as Engineer (Quality Control) in Electronics India Private Limited Company, Delhi and is staying there for the last about 8 years. The complainant has withdrawn the society of the petitioner at her own as she could not adjust in the matrimonial home. After marriage, she hardly stayed with the petitioner for about five months only. She has made false allegation against the petitioner and his family members including brother-in-law Pawan Kumar. During enquiry, the police has found that the allegations levelled against Pawan Kumar are baseless and found him innocent.

He has further contended that the petitioner is ready to settle the dispute amicably. Even otherwise, the allegations are false. She has not mentioned any date, month or year or any specific time, when she was harassed for demand of dowry.

Learned State counsel and learned counsel for respondent No.2-complainant have argued that specific allegations of demand of dowry, beating, cruelty and harassment have been levelled against the petitioner and in this manner, he is not entitled to the relief of anticipatory bail. Initially, the

petitioner has taken a plea to settle the dispute, but instead thereof, he is trying to delay the matter by changing his lawyer virtually on every date of hearing.

I have heard learned counsel for the parties.

The petitioner is husband of the complainant. The marriage between the parties was solemnised on 23.10.2016. There are allegations against the petitioner that he used to taunt and harass the complainant for not satisfying the demand of the petitioner including demand of a car. The complainant was dropped to her parental home with an instruction that she would not be taken to the matrimonial home unless a car is given to the petitioner by her family. The allegations against the petitioner are, therefore, serious. No wife would like to spoil her matrimonial life and that too in the present case when the marriage was solemnised on 23.10.2016 only.

On February 11, 2019, learned counsel for the petitioner had submitted that the petitioner is ready to take respondent No.2 with him or to settle the dispute with her. Thus, initially, he has shown his inclination to take his wife. Now, instead of taking her to the matrimonial home, he is making lame excuses that he is staying in PG and searching for some alternative accommodation. Moreover, the petitioner has engaged a third lawyer in the series to argue the present case, which shows that he is intending to delay the proceedings.

Therefore, it being a marriage solemnised on 23.10.2016 and there being specific allegations of demand of dowry, beating, cruelty and harassment and the marriage was solemnised on 23.10.2016, this Court finds that no ground is made out to grant anticipatory bail to the petitioner.

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

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

October 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No