

213.

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

CRM-M-6367-2019 (O&M)

Date of decision: November 08, 2019

PRINCE

.... Petitioner

versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. D.R. Bansal, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana,
for respondent No.1.

Mr. Namit Khurana, 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 case FIR No.132 dated 06.12.2018 registered under Sections 323, 406, 498-A, 506 of IPC at Police Station Women, Yamuna Nagar, District Yamuna Nagar.

The petitioner is the husband of the complainant. The marriage of the complainant was solemnized with the petitioner on 22.01.2017 at Gurgaon. As per the complainant's version, though the marriage could have been arranged at Yamuna Nagar while booking a marriage palace, but for the convenience of the in-laws, the marriage palace was booked at Delhi,

which is near to their (in-laws) house. Her father spent about Rs.10.5 lacs on the marriage palace, Rs.2.5 lacs on the purchase of gold items, Rs.4 lacs were spend for purchasing cloths, Rs.1 lac cash and Rs.1.5 lacs for *bhaat* ceremony. Before the marriage, the in-laws came to the house of the complainant in Yamuna Nagar for *godh bharai* ceremony and in this ceremony, about Rs.12 lacs were spent by the parents of the complainant. In the said ceremony, the in-laws did not bring Prince (petitioner herein) and when asked by the parents of the complainant as to why he was not brought, her mother-in-law Anju had replied that as the petitioner was not invited by the complainant's family, he could not come. However, her mother-in-law came with her brothers, her mother, her elder son and daughter. The petitioner was of about 2 quintals of weight and if the complainant is made to stand by the petitioner, she would look like his daughter. Complainant's mother did not see the petitioner and the in-laws had the apprehension in their mind that if the complainant's family will see him (petitioner), they will refuse for such matrimonial alliance on the plea that it is not a suitable match. On that very day of the ceremony, her mother-in-law had told the mother of the complainant that they will keep the complainant like their own daughter. The in-laws family was specifically asked for any demand in the marriage. However, after marriage, they treated the complainant like an animal and a servant in the house. They used to taunt the complainant's family that they have not given sufficient dowry to them and whatever dowry articles have been given in the marriage are of inferior quality. Her father has spent his whole retirement benefits in the marriage. The petitioner, on the instigation of his mother, used to say that he will not keep

the complainant in the matrimonial house and will marry with a rich girl. A daughter was born to her. The complainant was not given proper food. Sometimes she has to sleep while drinking warm water. Her in-laws used to eat things by hiding from her. Her mother-in-law used to call her “maid”. She was not allowed to talk with her mother. On 26.03.2017, she spoke to her mother and only then, her mother came to know that her daughter is in trouble in her in-laws' house. On 28.03.2017, her father came and took her with him and thereafter, her in-laws never made any call to her. Since she was treated badly at the matrimonial house by the petitioner-husband, the aforesaid FIR was registered against him at the behest of complainant.

Apprehending arrest in the aforesaid FIR, the petitioner approached the court of Additional Sessions Judge, Yamuna Nagar at Jagadhri for grant of anticipatory bail, but considering the allegations of demand of dowry, maltreatment, cruelty and harassment to the complainant and the recovery of dowry articles and further, when the petitioner did not join the investigation, the learned Additional Sessions Judge, vide order dated 10.01.2019, declined his prayer for grant of anticipatory bail.

It is in the aforesaid circumstances, the petitioner-accused has approached this Court through the present petition.

On 11.02.2019, noticing the contention of learned counsel for the petitioner that the petitioner is ready to settle the dispute with the respondent-wife, notice of motion was issued in the case. Thereafter, on 26.02.2019, while staying the arrest of the petitioner and adjourning the case to 11.04.2019, he was directed to bring an amount of Rs.15,000/- towards litigation expenses, to be paid to respondent No.2 on her causing appearance

before this Court. On 11.04.2019, this Court passed the following order:-

“Power of attorney filed on behalf of the complainant today in the Court, is taken on record.

Pursuant to the order dated 26.02.2019 passed by this Court, a sum of Rs.15,000/- has been paid to the complainant-respondent No.2, who is present in the Court.

Petitioner is also present in the Court. This Court has put a specific question to him regarding his source of income and the properties owned and possessed by him. He was also put a question as to whether he has come at his own or along with his father, who is also present in the Court. The father though has stated that he has come in the car, but the petitioner has stated that he had come by bus. Petitioner has submitted that earlier he was a partner in the hotel Shri Sham Sweets, but now he is no more partner in the said hotel which has been given back to the owner.

The petitioner shall also submit an affidavit regarding his total assets i.e. moveable and immovable properties including the vehicles if any, his income-tax returns for the last five years and the details of sale/purchase of any moveable properties in the last three years.

In order to ascertain as to whether he is unemployed, having no source of income, the Deputy Commissioner of Police, Gurugram, is directed to verify the properties owned and possessed by the petitioner including the hotel Shri Sham Sweets.

Similarly, the Investigating Officer shall verify the car owned by the father of the petitioner, the timings of traveling from Gurugram to Chandigarh and to correlate with the CCTV footage installed on Toll Plaza on its way to Chandigarh, so as to ascertain whether petitioner accompanied his father or has come independently.

*The petitioner shall assist the ACP in the above exercise.
List on 03.05.2019.”*

Accordingly, pursuant to the order dated 11.04.2019, Shri Kuldeep Singh, IPS, Superintendent of Police, Yamuna Nagar, filed verification report by way of an affidavit dated 01.05.2019. On 03.05.2019, counsel for the petitioner, on instructions from the petitioner who was present along with his father in the court, submitted that the petitioner is ready to take his wife with him and to treat her well. This offer was accepted by respondent No.2. Accordingly, the parties were directed to go to Yamuna Nagar from Court premises itself and to stay there for a night. The next day, petitioner was required to take respondent No.2 to the matrimonial home at Gurgaon.

Counsel for the petitioner has argued that apart from the fact that the allegations made in the FIR are incorrect, the whole family of the petitioner has falsely been implicated in the case. The allegations are general in nature and there is no specific allegation of entrustment of dowry. It has now become a tendency to implicate the whole family so as to harass the in-laws family. Respondent is not inclined to stay in the matrimonial home and on one pretext or the other, she is repeatedly making false allegations against the petitioner and his family.

On the other hand, counsel for the complainant has argued that the complainant has been treated badly by the petitioner and her in-laws family. She was given beatings on the pretext of demand of dowry despite the fact that sufficient dowry was given at the time of marriage. It is for this

reason, FIR was registered against the petitioner. Moreover, recovery of dowry articles, is yet to be effected in the case. He has further argued that the petitioner has no intention to take the complainant in the matrimonial home and for this purpose, he is unnecessarily harassing her by making such like offer before this Court.

Learned State counsel opposed the bail application on the ground that recovery of dowry articles is yet to be effected from the petitioner.

I have heard counsel for the parties.

On 11.04.2019, this Court had noticed the conduct of the petitioner and he was not fair enough in giving the true facts before this Court. The petitioner was present along with his father in the Court on 11.04.2019. Though they had come in the same car, but for the reasons best known to the petitioner, he made a contradictory statement. The petitioner was directed to take his wife from her house to the matrimonial home at Gurgaon, but it has been informed that though the petitioner had gone to Yamuna Nagar, but instead of taking the complainant to the matrimonial home, stayed there for a night only at Yamuna Nagar and thereafter left for Gurgaon without taking the complainant and her daughter to the matrimonial home.

The affidavit dated 01.05.2019 submitted by the Superintendent of Police, Yamuna Nagar, of course which is based on sufficient investigation, clearly indicates that the petitioner had come along with his father Pawan Kumar from Delhi but still he made a different story. As per the affidavit, the petitioner has travelled in the vehicle along with his father.

It creates serious doubt about his conduct.

Though there is claim and counter claim as regard the factum of accompanying each other, but considering the conduct of the petitioner and fact that the marriage between the parties was solemnized on 22.01.2017 and recovery of dowry articles is yet to be effected from the petitioner, this Court does not find any ground to admit the petitioner on anticipatory bail.

Dismissed.

(HARI PAL VERMA)
JUDGE

November 08, 2019
sanjeev

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