

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-6824 of 2019 (O&M)
Date of decision : May 09, 2019

Rahul Malhotra

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vikas Bali, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State
Mr. Nakul Sharma, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner Rahul Malhotra, accused in case bearing FIR No.22 dated 3.12.2018, under Sections 406, 498-A IPC, Police Station Women, Ferozepur, got registered by the complainant wife Geetika has come up in this anticipatory bail application under Section 438 of the Code of Criminal Procedure.

The brief allegations are that marriage between the couple took place on 30.11.2017 and at the very inception there has been quarrels over the dowry and it was often demanded by the

accused that car should be given. The complainant has levelled insinuation against Devar and indecent behaviour by other family members. Apprehensive of his arrest, the petitioner has come up in this bail application.

Mr. Vikas Bali, learned counsel for the petitioner has contended that a bare perusal of the allegations do not spell out any cause of criminal breach of trust qua the articles of Ishtridhan and only that materializes from the accusation are that of ill-treatment and thus, nothing is to be recovered from the petitioner.

Learned State counsel assisted by Mr. Nakul Sharma, Advocate, for the complainant and SI Rajinder Singh, PS Women Cell, Ferozepur have opposed the grant of bail on the grounds that recovery of the articles is yet to be made and that custodial interrogation of the petitioner as such is necessitated in view of the allegations levelled by the complainant.

Going through the submissions, a bare perusal of the allegations spelled out in the FIR falls within the compass of demand of a car and ill-treatment by the husband and others. Thus, it is not a case of recovery of any of the articles of Ishtridhan as is apparent there and joining of the petitioner in the investigations would suffice the purpose.

In view of the aforesaid, the present petition is allowed.

In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 09, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No