

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

CRM-M-7108 of 2019.

Decided on:- December 13, 2019.

Rahul Goyal.

.....Petitioner.

Versus

State of U.T. Chandigarh and others

.....Respondents.

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

Present:- Mr. Deepak Negi, Advocate and
Mr. Anil Bidhan, Advocate
for the petitioner.

Mr. Rajiv Vij, Addl. P.P., U.T., Chandigarh.

Mr. Wazir Singh, Advocate
for respondent No.3.

HARI PAL VERMA, J.(Oral)

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.6 dated 01.01.2019 under Sections 406 and 498-A IPC registered at Women Police Station, Sector-17, Chandigarh.

On February 15, 2019 when this case was taken up for hearing, learned counsel for the petitioner had made a statement that the petitioner-husband is ready to settle the dispute with the respondent No.3-wife. Accordingly, the matter was referred to the Mediation and Conciliation Centre of this Court, where the petitioner and respondent No.3 were directed to appear on 15.03.2019. The petitioner was also directed to pay a sum of

Rs.20,000/- as litigation expenses to respondent No.3 on her appearance before the Mediator.

Vide report dated 01.05.2019, the Mediator had submitted that despite best efforts, the parties were unable to reach any settlement and the mediation was unsuccessful.

Thereafter, vide order dated May 03, 2019, the petitioner was directed to appear before the investigating officer so as to join the investigation. On October 15, 2019, when the case was fixed for hearing, learned counsel for respondent No.3-complainant informed the Court that the petitioner is in arrears of maintenance. However, the case was adjourned to 11.12.2019 as the counsel for the petitioner had informed this Court that the case regarding maintenance is pending before the trial Court for 30.10.2019.

Pursuant to the order dated 11.12.2019 passed by this Court, the petitioner is present in Court.

Learned Addl. Public Prosecutor for U.T., Chandigarh, on instructions from SI Ranjit Singh, has contended that though the petitioner has joined the investigation, but the recovery of gold articles worth more than Rs.6 lakh is required to be effected from the petitioner. He has produced the list of gold articles yet to be recovered from the petitioner. The same is taken on record.

Learned counsel for respondent No.3-complainant has also produced the copies of bills dated 05.08.2013, 19.04.2013, 05.08.2013 and 12.05.2016 from Pavitra Jewellers, Mohali, copy of bill dated 14.05.2013 from R.R. Enterprises and copy of bills dated 14.08.2013 and 10.08.2013 from Shree Ram Jewellers, Mohali in support of purchase of jewellery,

which are taken on record. He has also submitted that the petitioner is in arrears of maintenance of about Rs.1,80,000/-.

I have heard learned counsel for the parties.

In ***Mayank Pathak Versus State (Govt. of NCT of Delhi) and another 2014(3) RCR (Criminal) 853*** Hon'ble Supreme Court has observed that the anticipatory bail was rightly rejected by the High Court in that case keeping in view the serious allegations of illegal demands of dowry made by the accused and cruel treatment. The relevant observations made in paragraph No.6 of the said judgment read as under:

“6. This Court finds it unfortunate that the parties cannot settle such a matter and the petitioner is willing to fight out the matter in court. We are conscious that the statements made in the court in the attempt for conciliation are not evidence before the court and will not be used as such. In any case, we are of the view that the allegations of cruelty and torture at the hands of the petitioner and the alleged desertion of the complainant as a result of beating, completely disentitle the petitioner to any consideration for anticipatory bail.”

Considering the rival contentions of learned counsel for the parties and the fact that the petitioner has not paid the arrears of maintenance and even the recovery of gold articles is yet to be effected as well as in the light of law laid down in ***Mayank Pathak's case (supra)***, 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 not be influenced with the observations made hereinabove in any manner.

December 13, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No