

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

CRM-M-13109-2018 (O&M)
Date of Decision:- 16.10.2019

Munesh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parambir Singh Goraya, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

Mr. Ashwani Gaur, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner Munesh has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.160 dated 19.2.2018 under Sections 498-A/406/377/323/354/506/34 IPC at Police Station City Sonipat, District Sonipat
2. The FIR was registered at the instance of petitioner's wife namely Jyoti wherein it has been alleged that her marriage was solemnized with the petitioner Munesh on 5.3.2014 and that at the time of her marriage, her father had given articles of dowry beyond his means and had spent an amount of ₹ 14-15 lacs on the marriage. It is alleged by the complainant that her husband, however, used to perform unnatural sex with her and if the complainant ever objected to the same, he used to give beating to her and as a result of which her health started deteriorating. It is further stated that even the brother-in-law (devar) of the complainant used to talk

disrespectfully with the complainant and used to hold her inappropriately and upon her objection, he even gave beatings to her. The complainant alleged that when she reported about the conduct of her brother-in-law to her husband, then her husband replied that when he didn't have any objection to the same, then even the complainant should not object for the same. The complainant further alleged that her mother-in-law frequently taunted her for having brought less dowry and told her to bring a car from her father. The complainant alleged that on 6.5.2017, the accused gave beating to her with an intention to kill her and she saved her life by locking herself in the room and thereafter on 17.5.2017, her parents came and took her to nearby police station. The complainant also asserted that all her '*istridhan*' and gold ornaments were lying in her matrimonial home which were not being returned by the accused.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged by concocting allegations and that the petitioner or other members of his family had never raised any demand of dowry or had ever maltreated the complainant.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that since the petitioner is the complainant's husband and specific allegations have been levelled in the FIR, no case for grant of anticipatory bail is made out.
5. Having considered rival submissions addressed before this Court, it is apparent that the FIR is infact an outcome of matrimonial discord amongst the parties. The facts, however, are not such which would justify custodial interrogation.

6. Since the petitioner has already stated to have joined investigation, the interim directions issued by this Court vide order dated 23.5.2018 are made absolute subject to the condition that the petitioner shall deposit an amount of ₹ 1 lacs before the trial Court within one month from today. Upon such amount being deposited, the trial Court shall release the said amount to the victim.

16.10.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No