

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11769-2019

Date of decision : 20.11.2019

Jatinder Bhardwaj

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mrs. Anupam Bhanot, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J (ORAL)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.05 dated 22.02.2019, registered at Police Station Women Cell, SAS Nagar, Mohali, under Sections 498-A and 406 of IPC.
2. The FIR was lodged at the instance of Ms. Sonal Rana wherein, it has been alleged that her marriage was solemnized with the petitioner Jatinder Bhardwaj on 24.02.2012 and that her parents had spent an amount of Rs.10-12 lakhs on the marriage. However, immediately after marriage her mother-in-law started taunting her for having brought insufficient dowry and even her father-in-law joined hands in harassing her. On the asking of her husband, she started giving her salary to her husband. Later her husband, who is otherwise a qualified Mechanical Engineer, left his job and represented that he wants to become a saint and on the said pretext started taking money from the complainant so as to construct a "Dargah". It is alleged that the purpose of becoming a

saint was basically to have extra marital affair with other ladies and in fact, he was having affair with ladies namely, Avtar, Karamjit and Vaishnavi Sharma. Although she protested about the same to her parents-in-law, but they turned a blind eye to the same. It is further alleged that all her articles of dowry including gold ornaments had been retained by her mother-in-law, who has refused to give the same despite repeated requests.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and that the complainant after lodging FIR has gone abroad and the present FIR was lodged in order to pressurize the petitioner so as to extort money from him.
4. Opposing the petition, learned State counsel, submitted that since specific allegations have been levelled in the FIR and all the dowry articles are yet to be recovered, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. The case apparently has arisen out of some matrimonial discord amongst the parties. Although the learned State counsel has stated that the articles of dowry have not been recovered, but the learned counsel for the petitioner has offered an explanation in respect of the same while stating that the petitioner has always been willing to hand over the articles, but since the complainant herself has gone abroad and it is only his ailing father, who is present in India, who has feigned ignorance about the number and nature of the articles, therefore, the same could not be handed over to the complainant. The petitioner in any case is stated to have joined investigation.

6. Having regard to the facts and circumstances of the case, custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 04.04.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

20.11.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No