

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

CRM-M-12523 of 2019.

Decided on:- December 13, 2019.

Amarjeet Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

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.9 dated 31.01.2019 under Sections 406 and 498-A IPC registered at Police Station Women Cell, District Jalandhar Commissionerate.

On April 10, 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 complainant-wife. Accordingly, the matter was referred to the Mediation and Conciliation Centre of this Court, where the petitioner and complainant-wife were directed to appear on 01.05.2019. The petitioner was also directed to pay a sum of Rs.20,000/- as litigation expenses to the complainant-wife on her appearance before the Mediator.

Vide report dated 11.07.2019, the Mediator had submitted that joint and separate sessions were held with the parties, but no settlement could be arrived between them.

Thereafter, vide order dated September 04, 2019, the petitioner was directed to appear before the investigating officer so as to join the investigation.

Pursuant to the order dated November 20, 2019 passed by this Court, the petitioner is present in Court.

Learned State counsel, on instructions from ASI Tarsem Kaur, has contended that though the petitioner has joined the investigation, but the recovery of gold articles is required to be effected from the petitioner.

I have heard learned counsel for the parties.

There being allegations of recovery of Istridhan and the complainant was treated with cruelty for demand of car and money, the petitioner is not entitled for anticipatory bail. Even otherwise, he was admitted on interim bail by the learned Additional Sessions Judge, Jalandhar, but he did not cooperate with the investigation.

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 recovery of gold articles is yet to be effected from the petitioner 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