

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-25086-2017

Date of Decision:22.04.2019

Malkiat Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Gagandeep Goel, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. Satnam Chauhan, Advocate,
for the complainant-respondent No.2.

HARI PAL VERMA, J.

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.107 dated 25.05.2017 under Sections 406, 498-A IPC, registered at Police Station City Kharar.

The aforesaid FIR was registered at the behest of respondent No.2-Navneet Kaur against the accused persons including the petitioner, who is her husband. As per FIR, the complainant was married with the petitioner on 02.05.2015. The father of the complainant had died, therefore, the mother of the complainant wanted to perform the marriage of the complainant in simple manner, but as per the demand of the accused, the venue of marriage was changed from Community Centre, Chandigarh to Marriage Palace, Rikhi Farm, Balongi, as the accused had stated that some

family was asked to make arrangement for the vegetarian food for about 500 persons, but on 01.05.2015, the accused persons (in-laws) pressurized the complainant to arrange for a liquor counter for which an additional amount of ₹65,000/- was spent. ₹20 lacs were spent on the marriage, which include all types of dowry articles and FDR for an amount of ₹2,40,000/-. Still, the accused were not satisfied. The petitioner further demanded ₹2 lac so that a new car could be purchased. Since the mother of the complainant has shown her inability to give ₹2 lac, the petitioner got annoyed and dropped the complainant at her parents' house. The sister-in-law and her husband Kuldeep Singh had put pressure upon the complainant so as to get the keys of Maloya house. The mother-in-law and sister-in-law had given one pious thread to the complainant to tie on her arm and had also given some ashes so that the complainant can give birth to a male child. The complainant apprised this fact to her mother, who went under depression and had to be hospitalized. The sister-in-law and mother-in-law of the complainant locked the complainant in a room, abused and caused beatings as the complainant had gone to the hospital to attend her mother. Kuldeep Singh, who is husband of the sister-in-law of the complainant had also threatened her(complainant) not to tell about the beatings to her mother otherwise he will get her parental family members eliminated as he is working as a gunman with the High Court Judge. The jewellery given by the mother of the complainant in the marriage were kept by mother-in-law in her possession. For non-fulfillment of the demands by the complainant, the accused turned her out of the house by causing beatings by saying that she is a lady with mental disorder. The accused refused to listen the complainant and her family to rehabilitate the complainant in her

matrimonial home.

Learned counsel for the petitioner has argued that there is a delay of more than eight months in lodging the FIR. He has argued that the marriage was solemnized without exchange of dowry articles and only conventional shaguns were exchanged between the parties. The family of the complainant has given Istridhan, but the same is lying at the place of the petitioner and many requests have been made regarding return of Istridhan, but of no use. The allegations made in the FIR are false and frivolous. The petitioner has come to know that the complainant is not mentally fit and it is for this reason, the marriage was not consummated. During the intervening night of 31.08.2015/01.09.2015, brother of the complainant has taken the complainant with him and since then she is living separately from the petitioner. Till 18.03.2016, no such complaint was made by the complainant before the police. There is a delay of more than eight months in lodging the FIR. It is on the basis of complaint dated 18.03.2016, the present FIR has been registered after a long delay. The complainant is in the habit of taking medicines so as to keep herself in the same state of mind. Nothing is required to be recovered. He relies upon the medical record of the complainant to contend that she is not of normal mind.

Learned counsel for the complainant states that as per the demand of petitioner's family, mother of the complainant spent ₹20 lacs on the marriage and had given all types of dowry articles and an FDR of ₹2,40,000/-, but still not satisfied with the already given dowry, they demanded ₹2 lac more to purchase a new car, which the complainant could not fulfill and as a result thereof she was turned out of the matrimonial home.

Learned State Counsel has argued that recovery of dowry articles are yet to be effected in the case.

Heard learned counsel for the parties.

There are allegations in the FIR that immediately after the marriage, mother of the petitioner has demanded a sum of ₹2 lac so to purchase a car and since the mother of the complainant could not pay the said amount, the petitioner got annoyed and for not fulfilling this demand, he left the complainant at her parental house. Merely because she was getting treatment from the Ivy Hospital for psychiatric problem does not mean that the complainant has been declared as insane.

The argument of the learned counsel for the petitioner that the complainant is not of normal I.Q., is no ground to treat her with cruelty. He has relied upon the judgment of the Hon'ble Apex Court in case **Arnesh Kumar Versus State of Bihar and another**, Criminal Appeal No.1277 of 2014 (Special Leave Petition (Crl.) No.9127 of 2013), decided on 02.07.2014 and judgment dated 05.07.2012 passed by this Court in **CRM-M-17915 of 2012 (Vishal Gulati Versus State of Punjab)**. But these judgments are on different facts, whereas in the case in hand, there are specific allegations against the petitioner and his family that immediately after the marriage, they have demanded dowry and since the complainant has failed to satisfy the demands of the petitioner, she was met with cruelty. There are allegations by the complainant, that not fulfilling the demand of dowry, the petitioner has dropped the complainant to her parents house.

Furthermore, on July 17, 2017, learned counsel for the petitioner has prayed that the matter be referred to mediation for an amicable settlement and considering this offer, he was admitted on *ad*

interim bail and after being on interim bail, the petitioner has not got the recovery of jewellery effected in the case. Therefore, no ground to grant anticipatory bail to the petitioner is made out.

Dismissed.

April 22, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No