

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

CRM-M-27140-2017

Date of decision:20.11.2019

MAYANK BIDYASAR

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. Himmat Deol, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana
assisted by ASI Joginder.

Mr. Sandeep K. Sharma, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.83 dated 8.3.2017 under Sections 498-A, 406, 354, 323, 506, 120-B IPC, Police Station Urban Estate, Rohtak.
2. The FIR was lodged at the instance of Neha wherein it has been alleged that her marriage was solemnized with the petitioner namely Mayank Bidyasar on 3.11.2014 and that her parents had spent an amount of ₹1 Crore & 50 Lakhs on the wedding on the asking of her in-laws. It is alleged that on the very next date of her wedding her husband, her father-in-law Prem Parkash, mother-in-law Pushpa, petitioner's uncle '*Mamma*'

Pradeep, petitioner's aunty '*Mammi*' Anita, Sandeep Sikhwal-Advocate and three other unknown started saying that the articles of dowry were of inferior quality and that the complainant's family should have at least given one Jaguar car along with one crore rupees in the dowry. It is alleged that even subsequently the accused kept on harassing in order to press upon their demands. On 9.11.2014 complainant's father gave an amount of ₹ 5 lakhs to the father of petitioner. Subsequently another amount of ₹12 lakhs was transferred into the account of petitioner through RTGS on 19.11.2014 but despite the same, she was given beatings by her father-in-law. It is stated therein that the complainant's in-laws have criminal background having been involved in several other criminal cases. The complainant has also levelled allegations to the effect that her father-in-law kept an evil eye on her and in the month of May, 2015 even caught hold of her arm while asking her to establish physical relations with him and that in return he would withdraw all demands of dowry and get her settled in her matrimonial home. It has further been alleged that even thereafter in the year 2016 her in-laws kept on pressing upon their demands of dowry and that her father paid an amount of ₹10 lakhs in cash on 3.3.2016 to the petitioner. It is alleged that on 14.1.2017 her brother took her to her parental home as she was scared and had nursed apprehension as regards her life.

3. Learned counsel for the petitioner has submitted that it is a case where the marriage did not work out well which has resulted in lodging of FIR not only against the petitioner but against all the members of his family and

also against the lawyer of the petitioner. The learned counsel has further submitted that allegations pertaining to payment of amount of ₹12 lakhs through RTGS on 19.11.2014 are cooked up allegations inasmuch as the said amount was transmitted for the purpose of making an FDR in the name of complainant herself. Learned counsel has drawn the attention of this Court to a copy of FDR annexed as Annexure P-3. Learned counsel has further submitted that the complainant had even gone to the extent of levelling false allegations against the aged father of the petitioner to the effect that he had molested her and which shows that an all out attempt has been made to wreak vengeance by involving all the members of petitioner's his family in the present case. It is also submitted that in fact prior to the lodging of this FIR, an FIR had also been lodged against the complainant who had in fact given beatings to the petitioner and regarding which the petitioner had been medically examined in the Civil Hospital. A prayer has thus been made for grant of anticipatory bail to the petitioner.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since specific allegations have been levelled against the petitioner, no case for grant of bail is made out. Learned State counsel upon instructions from ASI Joginder has informed that the petitioner has since joined investigation and that although some articles of dowry were offered to be returned by the petitioner to the complainant but she refused to accept the same while stating that she would accept the same in Court. Learned State counsel has informed that

none of the jewellery articles have been returned.

5. Learned counsel for the complainant has submitted that the alleged FIR lodged on the basis of complaint made by the petitioner regarding alleged beatings given by the complainant to the petitioner was got inquired into by police and already stands cancelled. It has also been submitted that the FDR of ₹12 lakhs in the name of complainant was in fact got made from the salary of the complainant as she herself is gainfully employed.
6. I have considered rival contentions addressed before this Court. Apparently it is a case which has arisen out of matrimonial discord. It will be only after evidence is led that any comment can be made as regards the veracity of the allegations. The petitioner, in any case, is stated to have been joining investigation since last about 2 years. As such, this Court is of the opinion that custodial interrogation is not warranted. Accordingly the petition is accepted and the interim directions issued vide dated 28.7.2017 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer 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. and subject to payment of ₹2 lakhs to the complainant. The said amount may be paid by way of demand draft or be given to the complainant directly or be deposited in her bank account through RTGS or be deposited in the trial Court with notice to complainant, which in case of deposit, may be withdrawn by the complainant.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

20.11.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No