

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**Criminal Misc. No. M-28075 of 2016 (O&M)
Date of decision : March 20, 2019**

Steven Singh

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. MK Garg, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State/
respondent no. 1 with HC Amrit Pal Singh
Mr. Dheeraj Mahajan, Advocate, for respondent no.2

Fateh Deep Singh, J. (Oral)

The allegations against accused-petitioner Steven Singh (also referred as Sativan Singh) in this first anticipatory bail application under Section 438 Cr.P.C. are as follows:-

The complainant Vandana wife of the petitioner accused alleged that the marriage between the couple was performed on 14.3.2012 wherein huge dowry including gold articles, house hold goods as per the demand besides sufficient cash was given. However, the accused in-laws including the present petitioner

husband were not happy with the same and often used to taunt the complainant on account of insufficiency of the same or on the pretext of her different religion and on many occasions she was physically abused and insulted. Specific allegations against accused regarding demand had been alleged in the allegations. On 31.12.2012, a male child was born to the couple but the complainant claims that the accused side never bothered to maintain and look after the child and inspite of intervention of the family members, relatives and Panchayat the accused did not mend their ways and thereafter accused-petitioner went abroad compelling the wife to register the present case.

Mr. M.K.Garg, learned counsel for the petitioner contends that it was a love marriage which was inter-caste and thus, no article of dowry was ever given or taken and that the wife on her own deserted the husband and took away her costly items. It was further argued that the petitioner remained on interim bail and had complied with the terms and conditions of the same and nothing remains to be recovered, praying for grant of relief.

Mr. Mr. Avtar Singh Sandhu, Addl. AG Punjab assisted by HC Amrit Pal Singh and Mr. Dheeraj Mahajan, Advocate, for respondent no.2/complainant have opposed the bail by taking refuge of the fact that on innumerable occasions the husband did not comply with the directions of this Court and to highlight his act of

dishonesty has argued that the petitioner with a motivated cause has transferred half of his share of the land in the name of his brother with the intention to deny the wife and the son who is residing with the wife right to maintenance. It has been stated by the State counsel that the petitioner has failed to cooperate with the investigations and therefore, his custodial interrogation is very much essential for effecting the recovery of these articles.

Hearing the arguments and appreciating them in the light of the records it is not displaced that the marriage between the couple was inter-caste marriage but that does not necessitates that it was a simple wedding where no articles of Ishtnidhan were given. There are specific allegations leveled by the complainant wife of costly articles of Ishtnidhan, house hold goods having been given at the wedding and entrusted to the accused which they refused to return back. The petitioner as is the allegation was in United States of America prior to 1995 and came to India and after marrying the complainant immediately went back to Ukraine is itself illustrative of his vagabond habits and renunciation of his obligations of this matrimony. What the records of this Court bears out the petitioner had shown total insolence towards the orders and in complying with the same as is the stand of the prosecution. The petitioner has failed to join the investigations and fully cooperating with it. The act of transferring his immoveable properties after the registration of the

FIR is abundantly reflective of his being not acting with genuineness and bonafideness. In view of the fact that he has even failed to pay the maintenance allowance is corroborative to this conduct. In the light of what has been argued by the State that articles of Ishtridhan are yet to be recovered and which the petitioner has failed to hand over inspite of interim bail and repeated adjournments since the year 2016 is in itself sufficient and valid ground to deny the petitioner to any relief. Finding no merit, the bail is declined and the present petition stands dismissed.

March 20, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No