

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-28437 of 2018 (O&M)

Date of decision : November 27, 2019

Pankaj Sharma

....Petitioner

versus

State of UT Chandigarh

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. ADS Sukhija, Advocate, for the petitioner

Mr. Munish Jain, APP, UT Chandigarh

Mr. Ashwani Verma, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner Pankaj Sharma has sought anticipatory bail in this case bearing FIR No. 40 dated 5.5.2018 under Sections 406, 498-A IPC, Police Station Women, Chandigarh got lodged by his estranged wife.

The brief allegations are that marriage between the two was solemnized on 1.6.2016 where as per the demands of the

accused-husband and his parents and relatives, the family had spent huge amount of money and given immense Ishtridhan and costly gifts as well as house hold articles. It is alleged that the accused was not happy with the articles which led to bickerings between the family and the complainant. It is during the course of events, the wife discovered that the husband because of his wayward habits with the women was jailed twice. The allegations hover around the instances of physical and mental abuse by the husband as well as her in-laws which are enumerated in the allegations. The couple shifted to Gurugram where the wife too got employed but subsequently their relations soured leading to the registration of the present case.

Learned counsel for the petitioner submits that there is no specific allegation of entrustment as well as criminal breach of trust qua the articles of Ishtridhan qua the petitioner and that nothing is to be recovered. It is claimed that petitioner husband remained on interim bail since a long time and thus, does not necessitates his custodial interrogation as articles already stand recovered.

Learned State counsel assisted by learned counsel for the complainant have forcefully opposed the bail on the grounds that

it was on misrepresentation of the husband the Court had allowed interim bail to facilitate mediation and that the articles recovered from the accused on two occasions are suggestive and lend corroborative to the case of the prosecution and that custodial interrogation is very much essential to recover the remaining articles of Ishtridhan.

Be so as it may, as is there before this Court, part of the articles of Ishtridhan were got recovered by the police as per their memos on 16.6.2018 and 21.6.2018 are itself suggestive that articles were certainly given at the marriage and was not a simple affair as claimed by the petitioner side. This Court on 11.7.2018 to facilitate mediation had allowed interim bail and which had continued to bring about reconciliation/settlement but did not fructified as has been forcefully argued on behalf of the State that part of the Ishtridhan is yet to be recovered comprising of gold ornaments belonging to the wife certainly is a compelling circumstance to deny the relief to the petitioner husband and for the recovery of which his custodial interrogation is very much essential. There being no merit, the present bail petition stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the

disposal of the present bail application.

November 27, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No