

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-15058 of 2019 (O&M)
Date of decision : May 09, 2019

Mohit

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Deepanshu Matya, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State
Mr. Vikas Mohan Gupta, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner Mohit, accused in case bearing FIR No. 6 dated 12.1.2019, under Sections 406, 498-A IPC, Police Station Women, Patiala has come up in this anticipatory bail application under Section 438 of the Code of Criminal Procedure.

The present case has been got registered by the complainant wife Madhvi alleging that marriage between her and the accused was solemnized on 15.2.2017 at Hotel Ajuba Regency, Patiala and that as per the demand of the accused consisting of the husband Mohit Maheshwari, his father Raj Kumar and sister Mehak, the father of the complaint gave sufficient dowry articles and had

spent Rs 20 lacs on the marriage in which the articles including Ishtridhan were given, list of which was annexed with the complaint. The complainant alleges that all these accused were handed over articles of Ishtridhan by the complainant side with the understanding that the same would be handed over to the complainant after the marriage but it is alleged that the accused were not happy with the same and often taunted her and refused to return the articles and instead demanded Rs 2,50,000/-. On account of failure of the complainant fulfilling the demands, she was physically as well as mentally tortured and in spite of having become pregnant, the complainant was forced to demeanial tasks and it was at the behest of the husband who administered some medicine, she aborted and thereafter she was thrown out of the matrimonial home leading to the registration of the present case on 12.1.2019.

Mr. Deepanshu Matya, learned counsel for the petitioner has contended that the petitioner is a lawyer and had already filed a complaint against father-in-law and has placed reliance on Annexure P/2 alleging that his 8 lac rupees were duped by the father-in-law on the pretext of getting him job which never materialized and nor his money was returned. It was simple marriage in Mandir and rather transcriptions of the conversation recorded by the petitioner do not spell out any such allegations and rather the present case is counter-

blast to the complaint of the husband. It was submitted that since no dowry articles were taken or given, thus, cause for recovery of the same did not arise.

Learned State counsel, Mr. Avtar Singh Sandhu, Addl. AG Punjab assisted by Mr. Vikas Mohan Gupta, Advocate, for the complainant and ASI Sikander Pal, PS Women, Patiala have forcefully sought to oppose the grant of bail on the ground that the petitioner being an Advocate has falsely set up his defence by fabricating Annexure P/2 and rather in his stand before the court below had taken up specific plea that part of the articles of Ishtridhan have already been returned and that nothing is to be recovered. It was contended that the petitioner had deceived even this Court by filing the residential address when he does not stay at the said address given by him in the petition and concluded that custodial interrogation of the petitioner is essential.

Going through the submissions as one could conceive the petitioner's counsel could not displace as to the plea of the prosecution side that the petitioner has intentionally given his false address where he does not reside at the time of filing of the bail application. Further-more the complaint moved by the wife enumerates in the Annexure C/1 the articles of Ishtridhan etc. given at the time of the marriage. There are specific allegations of

entrustment of articles of Ishtridhan to the accused with the understanding to return back the same to the bride after the marriage. More-so as is reflected from the stand of the accused petitioner at the time of arguments of bail application in the lower court, the petitioner side has conceded that certain dowry articles were got recovered which is reflected in the said order and that part of the articles of Ishtridhan is yet to be recovered. The claim of the petitioner that it was a simple marriage is negated from the fact that in his affidavit filed before the trial court he has taken the stand that he has already handed over dowry articles to the complainant are matters which undermines this defence. In the light of what has come across to this Court, custodial interrogation of the petitioner is very much essential to comprehensively investigate the case and thus cause for grant of anticipatory bail is not made out. The bail application being without any substance 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.

May 09, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No