

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : May 09, 2019

1. Criminal Misc. No. M-30400 of 2018 (O&M)

Atul Sharma

....Petitioner

versus

State of Punjab and another

....Respondents

2. Criminal Misc. No. M-31930 of 2018 (O&M)

Pardeep Kumar Sharma & another

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vinod Khunger, Advocate, for petitioner in
CRM-M-30400-2018
Mr. OP Kamboj, Advocate, for the petitioners in
CRM-M-31930-2018
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State
Mr. Achin Gupta, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Since the above two anticipatory bail applications one by
accused husband Atul Sharma and other by father-in-law and
mother-in-law of complainant Tamanna Sharma have come up in the

same very FIR and thus, are being disposed of together.

The allegations levelled by the complainant are that marriage between the complainant and petitioner Atul Sharma took place on 5.7.2017 wherein as per the asking and demands of the accused side family of the complainant was forced to dole out costly articles including gold and were made to conduct a lavish marriage. It is the claim of the complainant that husband Atul Sharma, father-in-law Pardeep Kumar Sharma and mother-in-law Sunita Rani along with other accused non-applicants often taunted her on account of inadequacy of the dowry and being not as per their wishes and thus also subjected her to mental cruelty. The wife has levelled allegations against husband for his barbaric treatment of the wife even at the time of copulation and on account of the same the complainant was thrown out of her matrimonial home while she was pregnant and delivered a child on 31.7.2018.

Counsel for the petitioners have argued that Pardeep Kumar Sharma and Sunita Rani are aged parents of the boy and has not much role to play in the relationship of the couple and rather have sought to argue that they are not keeping good health on account of their age. It was argued that the complainant has falsely implicated the entire family and neither there is any specific entrustment of articles of Ishtridhan much less their usurping by them and the

petitioners joining investigation would suffice the purpose.

Learned State counsel assisted by Mr. Achin Gupta, counsel for the complainant have put up a strong resistance to the plea of the petitioner side arguing that inspite of best efforts of the complainant due to non-fulfillment of the demands of the accused, the complainant has been thrown out of her matrimonial home while in advance stage of pregnancy and as such ill-treatment at the hands of the accused is suggestive of their conduct. He has further submitted that since the accused have refused to return the dowry articles, therefore, their custodial interrogation is very much essential.

Appreciating the submissions, admittedly the accused-petitioners Pardeep Kumar Sharma and Sunita Rani are aged parents of the husband and there are only general allegations of demand of dowry by them. More-over it is a matter of common knowledge that in such like disputes, there is always scope of roping in the entire family and therefore, joining of petitioners Pardeep Kumar Sharma and Sunita Rani in the investigations would suffice the purpose.

In view of aforesaid, the interim bail granted to the petitioners Pardeep Kumar Sharma and Sunita Rani vide order dated 30.7.2018 is made absolute till submission of report under Section 173 Cr.P.C. (challan). Thereafter, petitioners will be permitted to

furnish regular bail bonds to the satisfaction of the trial Court. The petitioners shall abide by the conditions laid down in Section 438(2) Cr.P.C.

With these observations, CRM-M-31930-2018 stands disposed off.

The allegations against petitioner husband are highly cruel and conduct attributed to him smacks of inhuman conduct towards the complainant wife and rather to get away from his illegal act and arrogant conduct towards the wife had with a view to set up a defence filed a petition under Section 9 of the Hindu Marriage Act wherein he has categorically raised defences to undo the material effects of the criminal prosecution is in itself suggestive of his intent as well as mischievousness. Since as per the stand of the prosecution, the articles of Ishtridhan are yet to be recovered and therefore, custodial interrogation of petitioner Atul Sharma is very necessary and essential. Thus, finding no merit, CRM-M-30400-2018 filed by petitioner Atul Sharma, stands dismissed.

May 09, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No