

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

CRM-M-33988 of 2018.

Decided on:- April 29, 2019.

Amit.

.....Petitioner.

Versus

State of U.T., Chandigarh.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Jagjit Singh Gill, Advocate
for the petitioner.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep S. Wasu, APP, U.T., Chandigarh.

Mr. J.C. Kapoor, Advocate
for the complainant.

HARI PAL VERMA, J.

The petitioner has filed present petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.54 dated 13.06.2018 under Sections 406 and 498-A IPC registered at Women Police Station, Sector 17, Chandigarh.

The aforesaid FIR was registered against the petitioner-husband and other co-accused at the behest of complainant Namrata. The other co-accused includes parents-in-law and brother-in-law of the complainant. The allegations against the accused are of demand of dowry articles and cash from the complainant.

As per the FIR, the complainant got married with the petitioner on 21.01.2015 at Chandigarh. Thereafter, they resided at Gurdaspur and after spending one year at Gurdaspur, they shifted to Chandigarh. The complainant

has alleged that she was given beatings mercilessly by her husband (petitioner herein) on various occasions. The petitioner abused her parents and used absurd language against them. After marriage, the petitioner had shown his greed and started maltreating the complainant and harassing her on the pretext of bringing less dowry. She was given maltreatment, frequent beatings, mental torture by the petitioner. The behaviour of petitioner was inhuman and harsh. She brought these facts to the knowledge of her parents-in-law and brother-in-law, but they did not listen anything, rather, they also gave beating, tortured, abused, embarrassed, harassed and humiliated her for not bringing sufficient dowry. After the marriage, she found that her husband is alcoholic, gambler and also a thief. She has given instances of such incidents, whereby petitioner was caught for committing theft.

On account of constant beatings and torture, the physical condition of the complainant badly deteriorated. She has not been given any amount for her expenses and is solely dependent upon the money received from her parents which she usually gets at the time of festivals i.e. Raksha Bandhan, Karva Chauth, Diwali, Bhaiya Duj etc. The petitioner snatched every valuable and jewellery articles from the complainant. She was given torture and was not given food to eat. The husband used to bring girls in the presence of the complainant and to bolt the door of the room from inside as he had illicit relations with other girls. On 05.08.2017, the she was thrown out of the house from Khuda Ali Sher, Chandigarh in three clothes and the petitioner asked the complainant to bring Rs.5 lakh, otherwise, she is not required to come back to the matrimonial home. She was confined in one room and she could not go out of that room. The petitioner did not allow her to talk on

phone with her family members. Once when the mother of complainant had come to the matrimonial house of the complainant, she (mother of complainant) was abused, embarrassed and thrown out of the matrimonial home.

There was a demand of LED by the accused persons for which parents of the complainant paid Rs.26,000/- to the petitioner so as to purchase the LED. The petitioner had taken the ATM card of the complainant and used to draw money from the ATM. The FIR contains the list of dowry articles given to the complainant and family of the petitioner from time to time.

Learned counsel for the petitioner has argued that the petitioner has falsely been implicated in the case. He has never demanded dowry from the complainant before or after the marriage. Since the petitioner knew the complainant much before the marriage, the question of petitioner not disclosing the factum of earlier marriage, does not arise. It is the mother of the complainant, who has incited the complainant against the petitioner and his family members. Rather, the mother of complainant used to incite her to demand money from the petitioner and a situation had arisen when the petitioner in order to save his married life still did not initiate any action against the complainant. Usually, the anticipatory bail cannot be refused as a measure of punishment lest it could be shown that it will hamper the investigation. In the case in hand, the petitioner has already co-operated with the investigation and nothing is required to be recovered.

On the other hand, learned counsel for the complainant has argued that recovery of gold articles and money is required to be effected. He has argued that the kitty set, diamond ring, Kada and chain given to the

petitioner and diamond ring given at the time of engagement as well as other gold articles are yet to be recovered.

Learned counsel appearing on behalf of the A.P.P., U.T., Chandigarh has argued that recovery of gold articles is yet to be effected in the case.

I have heard learned counsel for the parties.

The marriage between the petitioner and complainant was solemnised on 21.01.2015, whereas the present FIR was registered on 13.06.2018. There are allegations of demand of dowry, giving physical torture, embarrassment and harassment against the petitioner and his family members. As per learned counsel appearing on behalf of the U.T., the dowry articles are yet to be recovered from the petitioner.

Considering the fact that there are allegations of giving beatings and harassment to the complainant and that too within the short period of marriage coupled with the fact that the dowry articles are yet to be recovered in the case, this Court finds that no ground is made out for grant of anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

April 29, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No