

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-37257-2016

Date of Decision:15.05.2019

Yatin Uppal @ Jatin Uppal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Pradeep Rajput, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

Mr. Veneet Sharma, Advocate,
for the complainant-respondent No.2.

HARI PAL VERMA, J.

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.97 dated 06.08.2016 under Sections 498-A, 406, 323, 34 IPC, registered at Police Station Patti, Tarn Taran.

The aforesaid FIR was registered at the behest of complainant, who was married with petitioner-Yatin Uppal @ Jatin Uppal on 12.06.2015. As per FIR after marriage, the behaviour of petitioner-accused(husband) and other family members was not good towards the complainant. They started taunting her on the ground that her father has not given dowry as per their status. Petitioner-accused (husband) started beating the complainant after marriage and had told her to bring Rs.20 lakh from her parents as he has to

start a new business. On her refusal, the petitioner-husband started misbehaving with the complainant and gave beating. He did not allow food even and locked her in the room. When the complainant narrated the entire incident to her father on mobile, then father of the complainant along with her brother came to Delhi and tried to settle the matter, but the accused refused to listen. A sum of Rs.10 lakh was given to in-laws in the presence of father of the complainant and other family members. Thereafter, they again started demanding Rs.20 lakh.

Vide order dated 20.10.2016, petitioner-Yatin Uppal @ Jatin Uppal was admitted on interim bail.

Learned counsel for the petitioner has argued that pursuant to the aforesaid order, the petitioner has joined the investigation. Moreover, petitioner has offered a sum of Rs.8 lakh towards full and final settlement between the parties which was not accepted by the complainant.

Learned counsel for the complainant has submitted that jewellery comprises of gold items which have been returned are not the same jewellery given in the dowry. This argument is corroborated by learned State Counsel on instructions from ASI Balbir Singh.

Accordingly, vide order dated 05.09.2017, learned State Counsel had sought time to complete the investigation regarding the allegation that a sum of Rs.10 lakh has been given by the father of the complainant to the petitioner and to file a detailed report.

Pursuant thereto, a detailed report has been filed by way of affidavit of Sh. Sohan Singh, PPS, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, on behalf of the respondent-State. The status report has been attached with CRM-M-34723-2016. The relevant

paragraphs of same reads as under:-

“1. That it is most respectfully submitted that in compliance of an order dated 05.09.2017, the present short affidavit is being filed in this Hon'ble Court in addition to the earlier status report by way of affidavit. It is further submitted that as per version of the complainant Rubina d/o Kuldeep Kumar Bedi that her father Kuldeep Kumar Bedi had got withdrawn a sum of Rs.5,00,000/- in cash on dated 16.10.2015 from bank account bearing No.607301010050001 lying in Union Bank of India vide statement of account dated 24.01.2018 duly signed by the Manager of the bank and her brother Gaurav Bedi & Co had got withdrawn a sum of Rs.5,00,000/- in cash on dated 16.10.2015 from bank account bearing No.607301010050048 lying in Union Bank of India Branch Patti, District Tarn Taran vide statement of account dated 24.01.2018 duly signed by the Manager of the bank and the above said total amount for a sum of Rs.10,00,000/- in cash was handed over by brother of the complainant namely Rajiv Bedi to the accused Jatin Uppal husband and in-laws family members of the complainant in the presence of her close relatives i.e. Santosh Rani w/o Hans Raj Malhotra and Hans Raj Malhotra s/o Raunak Mall, both residents of Amritsar. The photostat copy of bank statement of accounts of Kuldeep Kumar Bedi is annexed herewith as Annexure R-1. The photostat copy of bank statement of accounts of Gaurav Bedi & Co is annexed herewith as Annexure R-2. It is further submitted that regarding the above mentioned bank transactions the Manager of Union Bank of India Branch Patti, District Tarn Taran has also issued a separate certificate dated 24.01.2018 duly sealed & signed by him and the same is annexed herewith as Annexure R-3 for the kind persual of this Hon'ble Court.

2. That the deponent has gone through all the documents & bills qua Istri-dhan/dowry articles & gold ornaments placed on record by the complainant and found that the parents of the complainant Rubina handed over all the gold

ornaments weighing 473 grams 99 miligrams to the accused Jatin Uppal husband and other in-laws family members at the time of solemnization of marriage. It is further submitted that as per recovery memos the gold ornaments weighing 68.880 grams has been got recovered from the accused and the balance of gold ornaments to be recovered from the accused comes to 405 grams 02 miligrams. The copy of detail of Istri-dhan is annexed herewith as Annexure R-4.”

Perusal of the aforesaid affidavit does reflect that only a part recovery is effected. As per investigation report, the substantial recovery of gold i.e. 405 grams 02 miligrams is yet to be effected in the case from the accused. The petitioner is the husband of the complainant.

Moreover, marriage of the complainant was solemnized with petitioner-Yatin Uppal @ Jatin Uppal on 12.06.2015 and most of gold has been purchased immediately before this marriage, which co-rrelates gold transactions in the marriage.

Accordingly, considering the affidavit of Sh. Sohan Singh, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, whereby gold recovery of 405 grams 02 miligrams is yet to be effected, this Court does not find any reason to grant anticipatory bail to petitioner-Yatin Uppal @ Jatin Uppal.

Dismissed.

May 15, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No