

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-19018 of 2019 (O&M)
Date of decision : July 15, 2019

Anuj Nijhon

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Naveen Sharma, Advocate, for the petitioner

Mr. Harbir Sandhu, AAG, Punjab, for the State with
ASI Meet Ram, PS Women, Ludhiana

Mr. Aayush Arora, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Petitioner husband Anuj Nijhon had sought anticipatory bail application in case FIR No. 37 dated 8.2.2019 under Sections 406, 498-A IPC, Police Station Women, Ludhiana, filed by the complainant wife.

The wife has alleged that their marriage was solemnized on 25.7.2015 wherein sufficient dowry articles including gifts, gold etc. were given but on account of the acts and conducts of the

husband and the harassment by all the accused for bringing more dowry and the husband forcing her to concede to his illegitimate physical needs she was forced to leave the house leading to the registration of the present case.

Mr. Naveen Sharma, counsel for the petitioner has vehemently argued that the wife prior to this marriage and subsequent thereto till date had been in a relationship with another man and has placed on record photostat copies of the text messages arguing that the dispute was settled between them for a sum of Rs 95 lacs, out of which Rs 35 lacs was paid to the wife but after obtaining the same backed out of the same and that neither there is any specific entrustment of the articles of the Ishtridhan and that the present case is pressure tactics by the wife to undo the affect of her extra marital affair.

Mr. Harbir Sandhu, AAG, Punjab, for the State has stoutly opposed the bail on the grounds that huge amount of dowry articles were given which have never been returned and thus, needs to be recovered for which custodial interrogation of the petitioner is essential.

Going through the submissions, the documentary proof placed on the record as the alleged communication of the wife with one Ashu during this matrimony and which messages are quite explicit together with the fact that during the course of arguments, the

learned State counsel does not disputes that the complainant had received a sum of Rs 35 lacs from the petitioner side for effecting settlement besides the fact that joining of the petitioner in the investigations would suffice the purpose.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

July 15, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No