

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-19260 of 2019

Date of Decision: 24.10.2019

Bhagwant Singh

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. A.S. Sandhu, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Manuj Nagrath, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.319 dated 06.12.2018 under Sections 406, 498-A, 420 IPC registered at Police Station Sidwan Bet, District Ludhiana Rural.

As per the FIR registered at the behest of respondent no.2-complainant, the marriage between the petitioner and the complainant was solemnised on 26.03.2015, in which sufficient dowry was given by the parents of the complainant apart from giving Rs.5,00,000/- in cash to her in-laws so as to purchase a car. However, after few days of the marriage,

the in-laws of the complainant started demanding Rs.10,00,000/- so as to purchase a bigger car. As the complainant had shown the inability of her father to give more money, she was subjected to beatings and was compelled to ask her parents for a big car and only then she can live in her matrimonial home. On 15.04.2015, an accident had taken place, in which the complainant, the petitioner and his sister had suffered injuries. But after the accident, all the accused started harassing the complainant on the plea that the said accident had taken place because of her. Despite the fact that complainant also suffered injuries in the accident, she was not given medical treatment by the accused and her parents got her treated. The petitioner along with other accused gave beatings to the complainant and turned her out of the matrimonial home on 20.05.2015. After two months, the complainant went to her matrimonial home, as a compromise was effected between the parties. However, the petitioner along with other co-accused again started beating the complainant for not bringing a big car. On 15.03.2016, they gave beatings to the complainant and turned her out of her matrimonial home. The parents of the complainant kept on visiting the in-laws of the complainant but in vain. On 19.05.2018, again a compromise was effected and very object of this compromise was to misappropriate the dowry articles. On 16.08.2018, the parents of the complainant went to the in-laws of the complainant and again requested to rehabilitate her in the matrimonial home. But they flatly refused to do so and rather, uttered bad words to them. The accused mainly demanded that the complainant should bring a big car and should clear her IELTS and only then, the accused would be ready to rehabilitate her in her matrimonial home.

Learned counsel for the petitioner has argued that the complainant has put up a false and concocted story. The petitioner has neither harassed nor demanded any dowry from the complainant or her family members. The petitioner has filed a divorce petition on the ground of desertion of the complainant, as she was residing away from the petitioner for the period of more than two years without any sufficient cause.

Learned State counsel submits that considering the nature of allegations so levelled against the petitioner, he does not deserve to be granted the relief of bail.

Similarly counsel for the complainant has argued that recovery of dowry articles are yet to be effected in the case.

I have heard learned counsel for the parties.

The petitioner is the main accused in the case and there are serious, specific and repeated allegations with regard to cruelty committed by him upon the complainant for bringing more dowry. Apart from this, the petitioner as well as respondent no.2 have been interacted in Court and it has been found that though respondent no.2-complainant is ready to stay in her matrimonial home but the petitioner is not inclined to allow her to stay there and states that in case she is interested to stay in her matrimonial home, she is required to do manual labour apart from performing other household works. The petitioner has alleged that the complainant has taken away the jewellery, but such allegations have been made so that recovery of articles may not be insisted upon.

It being a marriage solemnized on 26.03.2015 and considering the allegations as made in the FIR, this Court finds that the petitioner does not deserve to be admitted on anticipatory bail.

Accordingly, the present petition is dismissed.

October 24, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No