

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

CRM-M-40474-2018 (O&M)

Date of Decision:- 7.11.2019

Nitin Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gaurav Mohunta, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

Mr. Rajinder Mathur, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.363 dated 20.6.2018 under Sections 323/377/406/498-A/34 IPC at Police Station Civil Lines Hisar, District Hisar.
2. The FIR was lodged at the instance of Manisha, wherein it has been alleged that her marriage was solemnized with petitioner Nitin Kumar on 1.2.2017 and that various ceremonies were performed in a lavish style on the asking of the petitioner and his family. It is alleged that complainant's father spent an amount of ₹ 15 lacs which was infact much beyond his capacity on the marriage. However, the petitioner as well as other accused were not

satisfied and consequently the complainant's parents gave another amount of ₹ 5 lacs for purchase of articles and the said cheque was, however, in the name of the complainant. The accused, thereafter, raised another demand of ₹ 10 lacs for the purpose of purchase of car. It is further alleged that the petitioner stated that he had not been given him a gold bangle and the complainant's mother-in-law expressed that she had also not been given a gold bracelet, which was supposed to be given. Even the complainant's father-in-law said that the ring given to him was very "light-weight". The complainant alleged that she was also given beatings by the accused in order to press upon their demand of dowry and was turned out of her matrimonial home on 2.4.2017, after having given beatings to the complainant. A panchayat was convened by complainant's father to the house of the accused in Hisar on 16.8.2017 and upon requests made by the panchayat, the complainant was kept in matrimonial home but the conduct of the accused did not improve and they kept on maltreating the complainant. It is alleged that on 6.9.2017, she was given kick blows and was told to keep away from matrimonial home till their demands are met and was turned out of her matrimonial home. It is further alleged that on 20.10.2017, the complainant's father again convened a panchayat to rehabilitate the complainant and when complainant's father demanded back the jewellery and articles of '*istridhan*', the accused refused to return the same.

3. The learned counsel for the petitioner has submitted that the FIR is a result of matrimonial incompatibility between the complainant and the petitioner which has been given the colour of a criminal offence by concocting false stories. It has been submitted that the entire allegations pertaining to

demand of dowry and harassment have been cooked up falsely in order to implicate the petitioner and his entire family. A prayer has, thus, been made for grant of anticipatory bail to the petitioner.

4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that specific allegations have been levelled in the FIR and that since a large number of articles of dowry are yet to be recovered, therefore, no case for grant of anticipatory bail is made out and the petition, in any case, deserves to be dismissed. It has, however, been informed that challan has been presented and the petitioner has joined investigation.
5. I have considered rival submissions addressed before this Court.
6. It is a case which has arisen out of the matrimonial discord amongst the parties. It will be only after evidence is led that the veracity of allegations may be fully established. Keeping in view the facts and circumstances of the case and also that some amount is stated to have been transferred through bank transaction after marriage to the complainant, although the same was transferred in the bank account of the complainant herself, the petition is accepted and interim directions issued by this Court vide order dated 14.9.2018 are made absolute subject to the condition that the petitioner shall appear regularly before the Trial Court and shall abide by the conditions as may be imposed by the Trial Court. The petitioner is, however, directed to pay an amount of ₹ 2 lacs to the complainant, who admittedly is not residing in her matrimonial home, within one month from today which may be paid either by way of demand draft or be given to the complainant directly or be deposited in her bank account through RTGS or be deposited in the trial

Court with notice to the complainant, which in case of deposit, may be withdrawn by the complainant.

7. The petition stands accepted in above mentioned terms.

7.11.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No