

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-41716 of 2018 (O&M)
Date of decision : February 06, 2019

Tarun Kumar

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Paras Jagga, Advocate, for the petitioner
Mr. Avtar Singh Sandhu, Addl. AG Punjab for the State
Mr. Veneet Sharma, Advocate, for respondent no. 2

Fateh Deep Singh, J. (Oral)

This order shall dispose of first anticipatory bail application under Section 438 Cr.P.C. of accused-petitioner Tarun Kumar filed in case FIR No. 5 dated 21.3.2018, under Sections 406, 498-A IPC, Police Station Women Cell, Amritsar.

The facts brought to the notice of the Court are that the marriage between petitioner Tarun Kumar and complainant Shivani took place on 15.2.2015. It is alleged that at the marriage the parents of the complainant had given sufficient dowry articles as per the liking and demand of the accused side and thus even after the marriage, the in-laws

were not happy with the articles given at the wedding and had demanded for more including cash and gold articles and showed their disgust that they have been given only a Scooter instead of a Car. On account of these wranglings a matrimonial dispute between the couple arose and it is alleged that the husband assaulted the wife leading to the registration of earlier FIR under Section 307 IPC etc. in which the husband was arrested on 3.6.2017 and subsequently bailed out on 13.12.2017 prior to this FIR. Thereafter the present case was registered.

Mr. Paras Jagga, learned counsel for the petitioner has contended that most of the house-hold articles have been got recovered by the police on 2.8.2018 and nothing more is to be recovered and that the petitioner had already been falsely implicated in the prior criminal case under Section 307 IPC etc. when there was only simple injuries and subsequently the present case has been come about on false and flimsy grounds and nothing is to be recovered from the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG Punjab assisted by Mr. Veneet Sharma, Advocate, for respondent no. 2/complainant have opposed the bail on the grounds that the husband's treatment towards the wife is well highlighted from the previous FIR and has sought to harp on the fact that a life threatening injury has been caused on vital areas of the body of the complainant wife and not the entire articles including gold and cash have been recovered and in view of seriousness of the offence and that the custodial interrogation of the accused-petitioner is essential for the recovery

of the remaining articles of Ishtridhan, prayed for dismissal of the bail.

Appreciating the arguments, the complaint made by the complainant wife spells out in details the entrustment of the articles of Ishtridhan to the accused-petitioner though as is the stand of the petitioner side that house-hold items have been recovered on 2.8.2018 has been well controverted by the State counsel arguing that material items consisting of gold and cash have yet to be recovered. The conduct of the husband in assaulting the wife prior to the present FIR whereby the petitioner was arrested in a case for commission of offence under Section 307 IPC etc. is illustrative of the inhuman treatment the husband has given to his wife, the present complainant. The custodial interrogation of the petitioner is very much essential in view of the allegations of the prosecution. Provisions of Section 438 Cr.P.C. are to be sparingly used. No ground for bail is made out. The present petition stands dismissed.

February 06, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No