

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

CRM-M-21125 of 2019.

Decided on:- November 26, 2019.

Sandeep Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Avtar Singh Khinda, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

Mr. Manvinder Singh Dalal, Advocate
for respondent No.2-complainant.

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.30 dated 06.02.2019 under Sections 406 and 498-A IPC registered at Police Station Women, District Police Commissionerate, Ludhiana.

The aforesaid FIR was registered against the petitioner at the behest of respondent No.2 Hardeep Kaur whose marriage was solemnised with the petitioner in the year 2010. As per the FIR, before marriage, the respondent No.2-complainant was working in Verka Milk Plant, Ludhiana, but the husband and mother-in-law of the complainant forced her to leave the job and on their asking, she left the said job. Thereafter, they did not give any maintenance to her. In the marriage, her parents had given dowry articles including LED, but the same was broken by the accused on the ground that it is a small size LED. Therefore, her parents gave another new LED. Her

parents had given dowry articles as per their status, but despite all this, the accused did not stop to harass her and in this manner, she had to come back to her parental house. Many times, they took her back in the matrimonial home on the oral compromise and with an assurance that the accused will not harass her, but they never stopped harassing her. For the last about 8 months, they had never talked to each other and suddenly she received a phone call from her husband that there are some official papers outside, go and receive them. When the complainant came out, she found that there were summons from the Court, as a case of Domestic Violence Act was registered against her by her husband and mother-in-law. She was not allowed to re-enter the matrimonial home.

On May 09, 2019, when this case was taken up for hearing, learned counsel for the petitioner submitted that the petitioner is ready to take his wife and to arrange separate accommodation for her. Considering this statement, the matter was referred to the Mediation and Conciliation Centre of this Court, where the petitioner and respondent No.2 were directed to appear on 28.05.2019. The petitioner was also directed to pay a sum of Rs.15,000/- as litigation expenses to respondent No.2 on her appearance before the Mediator.

A report dated 25.07.2019 was received from the Mediator, mentioning therein that the parties have failed to settle their dispute by way of amicable settlement and the case was sent back to this Court.

Learned counsel for the petitioner has argued that there is no specific allegation against the petitioner regarding harassment on the pretext of demand of dowry. No such complaint in this regard was ever filed by

respondent No.2 before any authority. The present FIR has been registered just as a counter-blast to the complaint filed by the petitioner and his mother under the Domestic Violence Act. The allegations so levelled in the FIR are unfounded. The complainant has tried to cover her wrong doings in the past.

On the other hand, learned counsel for respondent No.2-complainant has argued that there are specific allegations against the petitioner and his mother. On the one hand, the petitioner has offered to take the complainant to the matrimonial home, but when she sought permission to enter the matrimonial home, she was not allowed to do so. Thus, there is a contradiction in the stand of the petitioner. He has further contended that recovery of dowry articles is yet to be effected from the petitioner.

Learned State counsel has also argued on the similar lines, as argued by learned counsel for respondent No.2-complainant.

I have heard learned counsel for the parties.

There are specific allegations of demand of dowry against the petitioner. The complainant has alleged that her father had given LED in the marriage, but the same was broken by the petitioner as it was smaller in size. The complainant was harassed by the petitioner and for this reason, she had to leave the matrimonial home so as to stay with her parents. When she wanted to come to the matrimonial home, she was not permitted to enter the house.

In ***Mayank Pathak Versus State (Govt. of NCT of Delhi) and another 2014(3) RCR (Criminal) 853*** Hon'ble Supreme Court has observed that the anticipatory bail was rightly rejected by the High Court in that case keeping in view the serious allegations of illegal demands of dowry made by

the accused and cruel treatment. The relevant observations made in paragraph No.6 of the said judgment read as under:

“6. This Court finds it unfortunate that the parties cannot settle such a matter and the petitioner is willing to fight out the matter in court. We are conscious that the statements made in the court in the attempt for conciliation are not evidence before the court and will not be used as such. In any case, we are of the view that the allegations of cruelty and torture at the hands of the petitioner and the alleged desertion of the complainant as a result of beating, completely disentitle the petitioner to any consideration for anticipatory bail.”

Thus, there being specific allegations that the complainant was subjected to mental cruelty by the petitioner in the light of law laid down in ***Mayank Pathak’s case (supra)***, this Court finds that no ground is made out to grant anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall not be influenced with the observations made hereinabove in any manner.

November 26, 2019

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No