

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-22117 of 2019

Date of Decision: 21.11.2019

Manpreet Singh

...Petitioner (s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Sumeet Singh Sohal, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Shamsheer Singh Gill, Advocate
for the complainant.

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.46 dated 14.04.2019 under Sections 406, 498-A, 506, 323 IPC registered at Police Station Doraha, District Khanna.

The aforesaid FIR was registered at the behest of respondent no.2-Manpreet Kaur, whose marriage was solemnized with the petitioner on 14.04.2013 and a son namely Ishandeep Singh was born from this wedlock on 15.01.2014. As per the FIR, enough dowry and gold jewellery was given in the marriage to the petitioner and his family members. On

09.07.2013, the petitioner demanded a sum of Rs.1,50,000/- in order to purchase a Maruti car and her parents gave this amount to him. The parents of the complainant had also given fridge, furniture, cooler, RO, inverter etc. to the petitioner as per his demands. Thereafter, the petitioner started demanding a new car and a house, but when this demand could not be satisfied, he started harassing the complainant. During her pregnancy, the petitioner, his mother and sister gave beatings to the complainant and punched her in the stomach. They said that they did not want any child from this marriage. The accused forcibly tried to get her child aborted. The parents of the complainant paid the medical expenses of Rs.1,10,000/- on her treatment. The petitioner and his family members kept on demanding the dowry. On 10.07.2016 at 7.30 P.M., the petitioner hit the complainant on her head with a heavy iron *kara* and got her injured. On 23.07.2016, the petitioner and mother-in-law of the complainant misbehaved with her and abused her parents. The petitioner kept on harassing the complainant in the rented house despite staying in a separate accommodation. The mother-in-law and sister-in-law of the complainant kept on instigating the petitioner against her and on their false instigation, the petitioner used to beat her and stopped giving money for daily expenses.

Counsel for the petitioner has argued that the marriage between the parties was solemnized on 14.04.2013 and the allegations of demand of dowry after about six years of marriage are false. No recovery is required to be effected from the petitioner and in view of judgment of Apex

Court in the case of Arnesh Kumar Vs. State of Bihar and another 2014(2) ACJ 385, the petitioner is entitled to be admitted on bail.

Counsel for the complainant, on instructions from the complainant, who is present in Court, submits that apart from the fact that recovery of 20 *tola* of gold jewellery is yet to be effected from the petitioner, the complainant is ready to stay with the petitioner in the matrimonial home.

I have heard learned counsel for the parties.

While issuing notice of motion in this petition, the matter was referred to the Mediation and Conciliation Centre of this Court. However, no amicable settlement could arrive at between the parties.

The allegation against the petitioner is demand of dowry, which was made at the very initial stage of the marriage. As per the prosecution, an amount of Rs.1,50,000/- was given to the petitioner for purchasing a car. Thereafter, he raised another demand to the parents of the complainant for purchasing a new car and when this demand could not be fulfilled, he allegedly treated the complainant with cruelty. Apart from this, recovery of gold jewellery of 20 tola is yet to be effected from the petitioner.

The petitioner was offered to deposit a sum of Rs.4,00,000/- with the trial Court and the said amount was directed to be released to the parties, subject to the outcome of the trial. However, the petitioner has not responded to this offer made by this Court.

In the case in hand, after evaluating the allegations as made in the FIR, this Court finds that there are repeated instances of grave cruelty at

the hands of the petitioner and his parents towards the complainant. 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.”

Considering the fact that there are allegations of demand of dowry against the petitioner, the recovery of jewellery is yet to be effected from him in the case and therefore, no case for anticipatory bail is made out.

Accordingly, the present petition is dismissed.

November 21, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No