

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

CRM-M-46278-2017 (O&M)
Date of Decision:- 26.9.2019

Ashish Malik ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohit Jaggi, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Ankur Mittal, 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.321 dated 20.9.2017 under Sections 406/498-A IPC at Police Station Zirakpur, District SAS Nagar, Mohali.
2. The FIR was registered at the instance of Niti wherein it has been alleged that her marriage was solemnized with Ashish Malik on 4.7.2014 wherein an amount of ₹ 50 lacs was spent. However, her husband and other members of his family was not happy with the dowry and started demanding an amount of ₹ 15 lacs and used to torture her daily. It is further alleged that complainant's husband was in touch with a lady namely Savita Bhardwaj since the last 6 years and wanted to marry her. It is also alleged that whenever complainant's sister-in-law Navita used to come, even she used to pass taunting remarks and used to incite her parents and brother against the

complainant. It is asserted that her in-laws disowned the complainant and her husband from their movable and immovable properties in a conspiracy to deprive the complainant of her legitimate claim whereas her husband is residing with his parents. It is also alleged that an amount of ₹ 1,98,000/- had also been withdrawn from complainant's account by stealing her cheques and ATM Card.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the entire allegations regarding demand of dowry or regarding withdrawal of an amount of ₹ 1,98,000/- are all cooked up allegations. The learned counsel has submitted that in order to prove his *bona fide*, he is willing to deposit an amount in the name of his wife and is even willing to maintain her.
4. Opposing the petition, the learned State counsel has submitted that in view of the specific and categorical allegations levelled in the FIR, no case for grant of anticipatory bail is made out. It is, however, informed that the petitioner has since joined investigation and that challan has already been presented.
5. I have considered rival submissions addressed before this Court. Apparently, it is a case which has arisen out of matrimonial discord amongst the parties. The FIR also suggests that one of the grievances of the complainant is that her husband is having an affair with another lady. There are also allegations as regards demand of an amount of ₹ 15 lacs. In any case, the investigation has already been concluded and challan stands presented. In these circumstances, custodial interrogation is certainly not warranted.

6. The petition, as such, is accepted and the interim directions issued vide order dated 7.12.2017 are hereby made absolute subject to the condition that the petitioner shall pay an amount of ₹ 4 lacs to the complainant and shall appear before the Trial Court regularly and abide by all such conditions as may be imposed by the Court. It is clarified that the aforesaid amount is not to be treated as any kind of admission on part of accused and shall be paid unconditionally irrespective of the outcome of trial.
7. The petition stands accepted accordingly.

26.9.2019

kamal

(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No