

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-48183-2018 (O&M)
Date of Decision:- 15.10.2019

Rahul Mahajan

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. H.S.Brar, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. K.P.Singh, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Rahul Mahajan, seeks grant of anticipatory bail in a case registered vide FIR No.50, dated 22.9.2016, registered at Police Station Women, District Amritsar, under Sections 406, 498-A IPC.
2. The FIR was registered at the instance of complainant Dr. Sarju Gupta, wherein it has been alleged that her marriage was solemnized with the petitioner on 12.5.2013 and that a large number of articles of dowry and gifts including gold ornaments were given to the

petitioner as well as to other members of his family. However, the accused and other members of his family were not satisfied with the dowry and started harassing the complainant in order to press upon their demand of more dowry. It is alleged that while the complainant was carrying pregnancy of about 6 months, she was thrown out of her matrimonial home on 26.1.2014 but subsequently due to intervention and persuasions she was again rehabilitated but the conduct of the accused did not change and they kept on harassing her and ultimately she was forced to leave her matrimonial home.

3. Learned counsel for the petitioner has submitted that the matter in fact arises out of matrimonial discord and that the entire allegations pertaining to harassment and demand of dowry have been cooked up simply in order to pressurise the petitioner and other members of his family.
4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that since the recovery of the articles of dowry is yet to be effected, no case for grant of bail is made out. It has however been informed that the petitioner pursuant to interim directions has since joined investigation.
5. Having considered rival submissions addressed before this Court and while noticing that the matter in fact arises out of some matrimonial discord, the present case is not such which would warrant custodial interrogation especially when the petitioner has joined investigation. The petition, as such, is accepted and interim directions issued vide order dated 30.10.2018 are made absolute subject to the condition

that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

October 15, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No