

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

CRM-M-27436-2019

Date of decision:16.8.2019

HEM RAJ

....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: None for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab assisted
by ASI Jewan Lal.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.34 dated 7.6.2019, under Sections 498-A, 406 IPC, Police Station Women Cell, Jalandhar.
2. The FIR was registered at the instance of petitioner's wife namely Kusum Pal wherein it has been alleged that the complainant was married to petitioner on 7.3.2014 and that her husband had come down to India from Italy to get married. It is alleged that the petitioner and other members of his family were however not happy with the marriage and were asserting that marriage had not been performed as per their status and also alleged

that the dowry had not been given commensurate with the status. It has further alleged in the FIR that although the complainant was also taken to Italy but the petitioner kept on abusing her and used foul language and also used to give merciless beatings. It is alleged that ultimately the complainant's parents sent some money to the complainant enabling her to purchase a ticket so as to come down to India.

3. Pursuant to interim directions issued by this Court the petitioner is stated to have joined investigation, as has been informed by learned State counsel upon instructions from ASI Jewan Lal. It has also been informed that a substantial number of alleged articles of dowry have also been recovered.
4. At the time of issuance of notice of motion it had been contended by learned counsel for the petitioner that he had been residing at Italy along with his wife and on account of death of petitioner's mother on 21.3.2019, he had come down to India on 23.3.2019 and his wife also followed him but later after coming to India she lodged the present FIR.
5. The aforesaid factum of petitioner and his wife residing at Italy is not disputed by the State counsel.
6. Having regard to the facts and circumstances of the case and while noticing that the petitioner has already joined investigation and substantial number of alleged articles of dowry have already been recovered, in my opinion, it is not a case warranting custodial interrogation. Accordingly the petition is accepted and the interim

directions issued vide dated 5.7.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

16.8.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**