

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

CRM-M-38608-2019 (O&M)
Date of Decision:- 3.12.2019

Gagandeep Gupta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajat Garg, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Balwinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Gagandeep Gupta, seeks grant of anticipatory bail in a case registered vide FIR No.0127, dated 29.8.2019, registered at Police Station Division No.4 (Lahori Gate), District Patiala, under Sections 498-A, 323, 34 IPC (Section 406 IPC added later on).
2. Mr. Jasdeep Singh, Advocate has appeared on behalf of the complainant and filed power of attorney. The same is taken on record.
3. The FIR was lodged at the instance of Nishu Gupta wherein it has been alleged that she was married to the petitioner on 28.2.2017 and

that her parents had spent huge amount on the marriage but despite the same her mother-in-law Shashi Gupta, Naveen Gupta elder brother-in-law (*jeth*), Nitin Gupta younger brother-in-law (*deor*) and her husband kept on harassing her in order to press upon their demands of more dowry. It is alleged that on 28.8.2019 her husband even kicked her in stomach although she was carrying a pregnancy of 4 months and also gave fist blow on her left cheek and also gave kick blows on both of her thighs. It is further alleged that even her brother-in-law (*jeth*) hit her with hockey stick.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the entire allegations as levelled in the FIR pertaining to the alleged demand of dowry and harassment have been cooked up simply in order to pressurize the petitioner and other members of his family. Learned counsel has further submitted that the petitioner even as of now is ready to rehabilitate the complainant and in order to prove his *bona fide* he is willing to pay an amount of ₹1 lakh to the complainant.
5. Opposing the petition learned State counsel has submitted that since specific and categoric allegations have been levelled in the FIR, no case for grant of bail is made out. It has however, been informed that the petitioner has since joined investigation.
6. Having regard to the facts and circumstances of the case, it is apparent that the FIR is an outcome of some matrimonial discord. It is premature to make any observation as regards the veracity of the allegations. In any case since the petitioner is stated to have joined

investigation, it is not a case which would warrant custodial interrogation. The petition, as such, is accepted and interim directions issued vide order dated 10.9.2019 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.

7. However, keeping in view the offer made by learned counsel for the petitioner and the fact that the complainant is residing separately and expecting to deliver a child in the month of February, 2020, the petitioner is directed to pay an amount of ₹50,000/- by 31.1.2020 to the complainant. Thereafter, another amount of ₹50,000/- shall be paid within the next 3 months to the complainant.
8. The aforesaid amounts may be paid to the complainant either by way of cash or by way of demand draft or be deposited in her bank account through RTGS, whichever is convenient.
9. In case, the aforesaid amounts are not paid as per the aforesaid schedule, it shall be open to the complainant to move an application for cancellation of bail.

December 3, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No