

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-28063 of 2018 (O&M)
Date of decision : October 14, 2019

Sumir Malik

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Gulzar Mohammad, Advocate, for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

Petitioner Sumir Malik in this anticipatory bail application filed under Section 438 Cr.P.C. has sought bail in case FIR No. 25 dated 16.6.2018 under Sections 406, 498-A IPC, Police Station Women Patiala.

Complainant wife Mumtaz alleged that her marriage was solemnized with the petitioner on 17.1.2016 where sufficient dowry and cash was given. However, the family of the accused were not happy with the same and as a consequence of which she was

physically and mentally harassed and even her articles of Ishtnidhan were usurped by the accused leading to the registration of the present case.

Mr. Gulzar Mohammad, counsel for the petitioner inter-alia contends that being Muslim, there is no custom in the community for giving of Ishtnidhan and therefore, question of criminal breach of trust qua the same does not arise. It is argued that neither there is any specific allegation against the petitioner much less any cause for recovery of the same and that earlier the petitioner was found innocent in the inquiry.

Ms. Sakshi Bakshi, AAG, Punjab has opposed the arguments of the petitioner side submitting that in the allegations of the complainant specific averments have come about and the accused being instrumental in taking away her articles of Ishtnidhan and usurping the same and therefore, the custodial interrogation is very much essential for recovery of the same.

Appreciating the submissions, there are specific allegations levelled by the complainant wife of her family having given her articles of Ishtnidhan besides other costly gifts as well as cash. It is also there that all her articles were taken away by the accused and she was physically assaulted. Thus, it is a clear-cut

case where custodial interrogation of the petitioner is essential for proper and comprehensive investigations. Thus, no cause for grant of anticipatory bail is made out and the present petition stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

October 14, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No