

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

**CRM M-61783-2018 (O&M)
Date of Decision : 14.01.2019**

Vicky Pandey

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Masood Hussain, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Nipun Vashist, Advocate for the complainant.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.1064 dated 24.10.2018, registered under Sections 498-A, 323, 506 IPC at Police Station Central District, Faridabad.

Briefly stated, it is a case of the prosecution that marriage of the petitioner Vicky Pandey was solemnised with the complainant on 15.07.2018 but the petitioner and his family members were not happy with this marriage. It is allegation that the in-law's family of the complainant had demanded more dowry especially her father in law, who demanded Rs.5,00,000/- cash even two days prior to the marriage.

It has been submitted that the complainant-wife has extra marital affair with one boy namely Jivan and she wants to marry with him.

I have heard learned counsel for the parties and have gone through the record.

The allegations of demand of dowry are more serious. The more serious is the character assertion of the complainant-wife. It is specifically averred in para No.3 of the petition that she has affair with one boy namely Jivan. This Court would like to reproduce para No.3 of the petition:-

“That the complainant has lodged the false complaint in order to implicate the petitioner. The true facts are that the complainant has intentionally and with ulterior motive has left the matrimonial home only after 43 days. Immediately after marriage, the complainant told the petitioner that she wanted to become a model but her family members got her married without her consent and knowledge. She further told that she has a boyfriend namely Jivan to whom she like and wanted to marry and presently he has gone to Dubai to earn money. The complainant shows the photographs of the said boyfriend. Sine she was in relationship therefore she created the scene in her matrimonial home from the day first and in the end she left the matrimonial home on 27/08/2018 without any rhyme and reason. During the said period, she resided only for 15 days and remaining days she lived with her family.”

The allegations amount to worst form of insult and cruelty. The learned counsel for the petitioner has relied upon a photograph of said boy Jivan where he is shown in standing form but there is no photograph with the respondent.

The petitioner-husband has no locus-standi to put such an allegation against the complainant-wife. This itself amounts to cruelty.

Keeping in view the totality of circumstances and the seriousness of the offences, custodial interrogation of the petitioner is

necessary.

Therefore, finding no ground to grant the concession of anticipatory bail to the petitioner, the instant petition stands dismissed.

14.01.2019

mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No