

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

201

CRM-M-16864-2020

Decided on : 01.09.2020

Parvez Alam

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.J.S.Jaidka, Advocate, for the petitioner.

Mr.H.S.Sullar, DAG, Punjab.

Ms.Nazma Khatoon, complainant-in-person.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Petitioner seeks anticipatory bail in a petition filed under Section 438 Cr.P.C. in FIR No.23 dated 13.03.2020 under Sections 406, 498-A IPC, registered at Police Station Women, District Ludhiana.

The FIR had been lodged by the wife of the petitioner, Ms.Nazma Khatoon. A perusal of the same would go on to show that the marriage was solemnized on 23.04.2017 at Ludhiana as per Muslim rites and ceremony and the couple was blessed with a girl child on 01.03.2018 who is stated to be in the care and custody of the complainant. It has been averred that Rs.10 lakhs was spent in the marriage and gold ornaments were given to the accused persons which include the parents of the petitioner, sister-in-laws and brother-in-laws. There was a demand that the Activa scooter was not matching with the status of the accused persons and they expected a car and that the complainant was forced to work like a slave and was not provided food. The parents of the complainant had given cash amount of Rs.50,000/- to the accused but their behaviour did not change. The delivery expenses were also borne by the parents of the complainant and the accused persons had not come to see the child. She was rehabilitated in August, 2018 with the help of respectables but turned out on 29.11.2018. A compromise had been arrived at and the couple had resided separately where the petitioner continued to maltreat her. The petitioner had left the rental accommodation and she realized

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that she had been cheated as all the dowry articles were still lying with the accused persons.

The anticipatory bail of the petitioner was refused by the Addl. Sessions Judge, Ludhiana on the ground that recovery of some articles was to be made and custodial interrogation was required and the principles of anticipatory bail was different than regular bail.

This Court had granted interim protection initially on 29.06.2020 since the petitioner had submitted that he was ready to keep the complainant. Efforts were made to get the matter resolved by interacting with both the parties and the complainant wanted to stay with the parental house of the petitioner. The same was not accepted by the other family members and also on account of the fact that she expected guarantees for her safety and she was not willing to put up separately.

State Counsel has submitted that other family members of the petitioner have not been nominated as accused and challan is likely to be filed in the near future. It is further submitted that some of the gold ornaments have been recovered.

Keeping in view the fact that efforts had been made by the husband to resolve the issue, this Court is of the opinion that custodial interrogation in the facts and circumstances of the present case are not necessary as some of the items have already been recovered as per the case of counsel for the petitioner also. It would be a matter of trial as to what were the items given which have been misappropriated and whether the petitioner is liable to be held guilty for the said acts.

In such circumstances, this Court is of the opinion that interim order dated 29.06.2020 is liable to be confirmed, in the facts and circumstances of the present case. Ordered accordingly.

SEPTEMBER 1, 2020

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No