

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17748 of 2020
Date of decision:07.07.2020

Varun Dwivedi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Narender Kaajla, Advocate
for the petitioner.

SUVIR SEHGAL J.

The case has been taken up for hearing through video conferencing on account of Covid-19 pandemic.

Through the present petition filed under Section 438 of Code of Criminal Procedure, petitioner seeks anticipatory bail in FIR No.171 dated 14.06.2020 (Annexure P-2) under Sections 323, 341, 354-A, 506, 34 of Indian Penal Code, 1860 (Section 354 IPC added later) registered at Police Station City Rupnagar, District Rupnagar.

FIR was registered on 14.06.2020 on the complaint of Ritu Tewari wife of the present petitioner whereby she stated that in the afternoon, her father-in-law misbehaved with her and when she shouted for help, her husband came and he started beating her and they threatened to kill her. Subsequently, both of them took her to the bedroom where her husband tried to strangle her with a rope and her father-in-law tore her clothes and hit her on the stomach. Thereafter, she called police helpline and her maternal home and a relative brought her to the hospital for

treatment. The motive ascribed to the incident is demand for dowry.

Counsel for the petitioner has submitted that the petitioner has been falsely implicated as the injuries were simple and could be self-inflicted. He further argues that there is a delay of 7 hours in the lodging of the FIR. His contention is that despite serious allegations, the father-in-law has been granted interim protection by this Court, vide order dated 01.07.2020 (Annexure P-4) passed in CRM-M-17164 of 2020, titled as 'Satya Dev Dwivedi Vs. State of Punjab'. He submits that the petitioner is the only person available to look after his aged father as his mother had long since expired and his brother is abroad.

Notice of motion.

Mr.Ajay Pal Singh Gill, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. Mr.Akshay Bhan, Senior Advocate with Mr. Rohit Nagpal, Advocate appears for the complainant. The respondent has argued that there are serious and specific allegations against the petitioner. Reference has been made to the MLR, which is taken on record, to depict the nature of injuries caused to the complainant. According to the counsel, motive is apparent inasmuch as the petitioner-husband and father-in-law of the complainant were demanding more dowry. It has been submitted that there is no delay in lodging of the FIR as she was medically examined at 5.10 p.m and the FIR was subsequently lodged at 9.13 p.m on the same day.

I have considered the rival submissions of the counsel for the parties.

The injuries as depicted in the MLR of the complainant are reproduced as under:-

Sr.No.	Injuries	Marked	Injury Number
1.	7 linear abrasion on upper chest nose on left side 1 cm apart measuring 7 cm x 1 cm smallest to 10 cm x 2 cm largest.	No	1
2.	Patient also complains of pain abdomen.	No	3
3.	Patient also complains of pain in left side of face and difficulty in hearing swelling measuring 4 cm x 4 cm present.	No	4
4.	Purplish contusion around neck all around the neck measuring 16 cm x 2 cm. Patient gives history of throttling.	No	2
5.	Patient also complains of headache.	No	5

An examination of the above injuries shows that they cannot be self-inflicted. The possibility of the same being caused by a third person who apparently was physically stronger cannot be ruled out.

The alleged delay in the lodging of the FIR has been explained by the respondent. The nature of the accusation and the manner in which the complainant has allegedly been treated at the hands of the petitioner is such that the petitioner cannot be held entitled to any relief by this Court. A husband who allegedly beats his wife mercilessly and attempts to throttle her does not deserve any sympathy from the Court.

Insofar as the order dated 01.07.2020 (Annexure P-4) passed by this Court is concerned, the circumstances which weighed with the Court while granting interim protection to the father-in-law was that a doctor from a reputed hospital had opined that the father-in-law of the complainant was unable to perform his daily activities and he needed assistance in walking.

Looking at the totality of the facts and circumstances, this Court is of the view that the petitioner does not deserve the concession of anticipatory bail. The petition is accordingly dismissed.

It is clarified that any observation made herein above shall not be construed as an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

July 07, 2020
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No