

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM-M- 20601 of 2020 (O&M)

Date of Decision: 20.8.2020

Aman

---Petitioner

versus

U.T.Chandigarh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. S.S.Rana, Advocate
for the petitioner**

Mr. Rajiv Sharma, Panel counsel for UT Chandigarh

**Mr. Harsh Chopra, Advocate
for the complainant**

Rekha Mittal, J.

CRM Nos. 20222 and 20225 of 2020

Heard.

**Allowed as prayed for. Annexure R/1 is taken on record,
subject to just exceptions.**

CRM-M- 20601 of 2020

**The petitioner prays for grant of bail in anticipation of arrest in
FIR No. 48 dated 18.6.2020 registered at Woman Police Station,
U.T.Chandigarh for offence punishable under Sections 406 and 498-A of
the Indian Penal Code, 1860 (in short “IPC”).**

**Counsel for the petitioner would argue that co-accused in the
case namely Guljaran and Gurpal Singh, parents of present petitioner were**

allowed benefit of interim bail, vide order dated 22.7.2020 passed in CRM-M- 19849 of 2020. It is further argued that petitioner has filed petition under Section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights. Counsel would inform that in the petition filed by parents of the petitioner, her (complainant) counsel made a statement that the girl is ready to re-concile differences and resume cohabitation in case she is given congenial atmosphere in the house of her husband. It is argued with vehemence that the petitioner and his family is ready to rehabilitate the complainant in her matrimonial home. Counsel would controvert the allegations raised in affidavits of the complainant and her father with regard to alleged occurrences dated 23rd and 24th July, 2020 with the submission that allegations raised therein get falsified in view of the fact that petitioner was in village Marawala, Tehsil Kalka, District Panchkula on the aforesaid dates, affirmed on enquiry qua mobile location of the petitioner in pursuance of order dated 5.8.2020 by investigating officer. The last submission made by counsel is that petitioner is ready to join investigation and co-operate throughout.

Counsel for the complainant, on the contrary, would argue that in view of conduct of the complainant reflected in order dated 22.7.2020 while hearing bail plea of parents of the petitioner, there was no occasion for the complainant to concoct any such story in regard to occurrences dated 23rd and 24th July 2020. It is further argued that mere fact of mobile location of petitioner being shown in village Marawala is not sufficient to record a finding that petitioner was not available at Manimajra, Chandigarh on 23rd and 24th July 2020. For this purpose, counsel would point out that

alongwith the petition, petitioner appended affidavit dated 23.7.2020 prepared at Chandigarh, attested on identification of Akshay Rana, Advocate by Notary Chandigarh on 23.7.2020.

Be that as it may, it is a matter of record that on 22.7.2020, the complainant was represented by a counsel who made a statement that the complainant was ready to reconcile differences and resume cohabitation in case she is given congenial atmosphere in the house of her husband. In view of the said fact, the plea of petitioners therein for grant of interim bail was allowed by this Court. When the petitioner (husband of complainant) filed the instant petition for grant of interim bail, counsel for the complainant opposed the same, noticed in order dated 28.7.2020. Later, affidavits were filed by the complainant and her father. In reply, the petitioner filed an affidavit stating therein that on 23.7.2020, he was not available in Manimajra, therefore, question of any such occurrence dated 23.7.2020 does not arise. As per the information supplied by Sh. Rajiv Sharma, panel counsel of UT Chandigarh, the mobile location of petitioner on 23rd and 24th July, 2020 was in village Marawala. The mobile location of the petitioner is of no consequence in the face of situation that petitioner got prepared affidavit dated 23.7.2020 at Chandigarh, attested by Notary Chandigarh on 23.7.2020. Manimajra, where house of the petitioner is located is also a part of UT Chandigarh.

Taking into consideration the allegations raised by complainant subsequent to allowing interim bail to parents of the petitioner, I do not think it to be a fit case where the petitioner deserves to be extended benefit of bail in anticipation of arrest, a concession to be allowed by the

court. This apart, recovery of articles of *istridhan* is to be effected.

Dismissed.

(Rekha Mittal)
Judge

20.8.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No