

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-24567 of 2019

Date of Decision: 29.01.2020

Satish Kumar Vohra

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab.

Mr. Digvijay Nagpal, Advocate for
Mr. Hoshiar Singh, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.26 dated 25.04.2019 under Section 498-A IPC registered at Police Station Women Cell, Police Commissionerate Jalandhar, District Jalandhar.

The aforesaid FIR was registered at the behest of the complainant Shweta, whose marriage was solemnized with the petitioner in the year 2006. As per the FIR, the in-laws of the complainant started harassing and demanding more dowry after one year of the marriage. Her

husband, who was in the habit of taking liquor, usually remained under the influence of liquor and due to this reason, the sister-in-law (Nanad) and brother-in-law (Nandoi) of the complainant used to take the benefit of his drunken condition. For this reason, the complainant used to remain in tension. It has been alleged that the complainant had no space to reside in her matrimonial home and she is not being given share in the house.

On 28.05.2019, while staying the arrest of the petitioner following order was passed by this Court:-

“Learned counsel for the petitioner states that the marriage between the petitioner and complainant was solemnised in the year 2006 and out of this wedlock, a son is born to them. A bare perusal of the FIR shows that the complainant is interested to have share in the property as the petitioner is in the habit of taking drink.

Notice of motion for 14.08.2019.

Till next date of hearing, arrest of the petitioner shall remain stayed.”

Thereafter, on 14.10.2019, interim bail was granted to the petitioner and he was directed to join investigation.

Learned State counsel has argued that recovery of 20 tola gold and other articles, which include clothes, furniture, TV, AC, Airtel, is yet to be effected from the petitioner.

At this stage, Mr. Digvijay Nagpal, Advocate for Mr. Hoshiar Singh, Advocate has put in appearance on behalf of the complainant and filed his power of attorney in Court, which is taken on record. He has argued that the petitioner has harassed the complainant, compelling her to bring more dowry.

I have heard learned counsel for the parties.

The marriage between the parties was solemnized in the year 2006. The present FIR has been lodged under Section 498A IPC only and no offence under Section 406 IPC has been found mentioned.

As regard the argument of learned State counsel that recovery of dowry articles is yet to be effected from the petitioner, reference may be made to judgment of Hon'ble Supreme Court in **Rajesh Sharma and others Versus State of U.P. and another 2017(3) RCR (Criminal) 836,** wherein it has been held that recovery of disputed dowry items may not by itself be a ground for denial of bail if maintenance or other rights of the wife/minor children can otherwise be protected. Similar view has also been taken by Hon'ble Supreme Court in **Social Action Forum for Manav Adhikar and another Versus Union of India, Ministry of Law and Justice and others 2018 (4) R.C.R. (Criminal) 226.**

Considering the fact that the petitioner has joined investigation, the present petition is allowed and the interim order dated 14.10.2019 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

January 29, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No