

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

109

CRM-M-28611 of 2020

Date of decision :-18.09.2020

Mandeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Shivam Grover, Advocatefor the petitioner.

SUVIR SEHGAL, J.

The hearing of this petition has been taken up through video conferencing due to coronavirus (Covid-19) pandemic.

Present petition has been filed by Mandeep Singh under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail in FIR No.692 dated 14.08.2020 registered under Sections 323/406/498-A of IPC at Police Station Ambala City.

FIR was registered on the complaint of Narinder Kaur against Mandeep Singh, her husband (petitioner herein), in-laws and other family members in which she stated that her marriage was solemnized on 01.11.2015 at Ambala City according to Sikh rites and sufficient dowry was given according to the status of her family. However, her in-laws were not happy with the dowry and she was constantly harassed and ill-treated. Her husband demanded a motorcycle and cash of Rs.1.00 lac. Her father gave a sum of Rs.60,000/- to her husband and his family members. When she gave birth to a boy on 16.07.2016 at PGI, Chandigarh, the entire expenses of her delivery and hospitalization were borne by her parents, but her harassment continued. On 31.03.2020, she was severely beaten by her husband and

inlaws' family and locked in a store room for 03 days. She managed to escape with the aid of her 03 years old son and called her brother, who rescued her from her matrimonial home.

Counsel for the petitioner has argued that a false case has been registered against the petitioner and his family members, inasmuch as, no details of the alleged demand or payment of dowry has been given in the complaint. He has submitted that even the allegations of alleged beating and ill-treatment are vague and general in nature. His argument is that there was an interference of an outsider namely Mangat Singh in their matrimonial life, who was the root cause of the trouble. He submits that the parents of the petitioner are of an advanced age. His father is a paralytic and his mother had undergone a by-pass surgery. It is, therefore, clear that the allegations against the in-laws are totally baseless. Still further, he submits that at an earlier point of time, a complaint was lodged by the complainant with Police Post No.4, Ambala City and a compromise was arrived at between the parties that the married couple will stay separately but the complainant retracted from her statement. He has also referred to the statement, (Annexure P-3), of the complainant-wife recorded before the Alternate Dispute Resolution (ADR) Centre where she had refused to get any counselling conducted through the Women Cell.

I have considered the submissions of the counsel for the petitioner.

The allegations against the petitioner are very clear. He has been repeatedly named by the complainant-wife in her complaint/FIR. From the perusal of the complaint, it is apparent that despite the fact that all the unreasonable demands of the husband were met with, but this did not satisfy his greed. Allegations regarding ill-treatment and harassment are also

repeatedly mentioned in the complaint. The incident of locking the complainant in a store room on 31.03.2020 for 03 days is very specific. Such an inhuman treatment of a wife, who is a mother of a 03 years old child has shocked the conscience of the Court. The argument raised by the counsel for the petitioner that he was on duty at his work place on 31.03.2020 falls flat as the entire country was under lockdown from 20.03.2020 to 30.04.2020 due to outbreak of contagion. His argument that the allegations against his parents are false because his father is a paralytic and his mother had a by-pass surgery is self-defeating. Rather this argument goes to show that the petitioner alone is responsible for confining his wife in a store room.

The story of the petitioner regarding interference in his married life by an outsider is very vague. It deserves to be noticed that the complainant-wife had declined the conciliation in the ADR Centre and the reason given by her for not participating in the proceedings has been noticed by the learned Additional Sessions Judge, Ambala in his order dated 08.09.2020 (Annexure P-2) while declining the petition of the husband-petitioner for anticipatory bail. The same deserves to be noticed and is reproduced hereunder:-

“6. I have personally examined the complainant, who is present in the Court room and asked her as to why she was adamant on not participating in the Mediation, to which, she responded that she had been treated like an animal and the petitioner had kept her in imprisoned (imprisonment) in the store room for 03 days without showing any mercy, so she had lost all affection for him.”

Keeping in view the facts and circumstances noticed above, this Court is of the view that concession of anticipatory bail cannot be extended to the petitioner.

The petition is accordingly dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

18.09.2020
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No