

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

CRM-M-30402 of 2019 (O&M)

Decided on:- January 17, 2020.

Prabhpreet Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Swarn Sandhir, Advocate for
Mr. Prashant Vashisth, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, D.A.G., Punjab.

Mr. Surinder Singh Siao, Advocate
for respondent No.2.

HARI PAL VERMA, J.(Oral)

The petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.92 dated 15.06.2019 under Sections 406 and 498-A IPC registered at Police Station Women, Ludhiana City, District Ludhiana.

The present FIR was registered at the behest of complainant Prabhjot Kaur, wherein she has alleged that on 21.05.2018, she had solemnised marriage with the petitioner and an amount of Rs.10 lakh was incurred as expenses on the marriage and sufficient articles were given as dowry to the petitioner and his parents. However, the petitioner and his parents had not allowed to use the dowry articles including the gold articles belonging to her. The petitioner in connivance with his parents used to beat her in order to fulfil their demands of dowry and sometimes, the petitioner

used to beat respondent No.2 and her minor son and turned them out from the matrimonial home with threat that she should bring Rs.1 lakh from her parents. The parents of respondent No.2 had given a sum of Rs.50,000/- to the petitioner, but despite that, the petitioner did not mend his ways and ultimately, on 04.11.2018, the respondent No.2 was turned out of the matrimonial home after giving beatings by the petitioner. The dowry articles belonging to the respondent No.2-complainant have been misappropriated by the petitioner.

The police has conducted an enquiry and the allegations against the petitioner regarding cruelty and misappropriation of dowry articles were found correct and thereafter, the FIR in question was registered.

On 19.07.2019, when the present petition was listed for hearing, this Court had passed the following order:

“Counsel for the petitioner states that the petitioner is ready to settle the dispute and take his wife with him. It is a second marriage of the parties.

Notice of motion.

Dasti only.

Matter is referred to Mediation and Conciliation Centre of this Court.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 05.08.2019. However, the petitioner-husband shall pay a sum of Rs.15,000/- to respondent-wife on her appearance before the aforesaid Centre as litigation expenses, which shall be a condition precedent for initiation of mediation proceedings.

For awaiting report, list on 30.09.2019.

Meanwhile, till the next date of hearing, arrest of the petitioner shall remain stayed.

Thereafter, vide report dated 10.01.2020, the Mediator has submitted that despite various lengthy mediation sessions took place with the parties, they are not able to reach at any amicable settlement and the file was sent back to this Court.

Respondent No.2-complainant and her minor son about 4½ years of age are present in Court. Learned counsel for respondent No.2, on instructions from his client, has submitted that the respondent No.2 has shown her inclination to join the matrimonial home and to stay with the petitioner at some alternative accommodation if so arranged by the petitioner.

However, learned counsel for the petitioner, on instructions from the father of the petitioner, who is present in Court, states that they are not ready to take the respondent No.2 to the matrimonial home or any other alternative accommodation.

I have heard learned counsel for the parties.

On 19.07.2019, when notice of motion was issued in the case, learned counsel for the petitioner had made a very clear statement that the petitioner is ready to settle the dispute and to take his wife with him. However, today, there is complete denial on behalf of the petitioner to take the respondent No.2-wife with him. This Court cannot allow the petitioner to shirk from his legal and moral responsibilities to provide shelter to his family.

In ***Mayank Pathak Versus State (Govt. of NCT of Delhi) and another 2014(3) RCR (Criminal) 853*** Hon'ble Supreme Court has observed that the anticipatory bail was rightly rejected by the High Court in that case

keeping in view the serious allegations of illegal demands of dowry made by the accused and cruel treatment. The relevant observations made in paragraph No.6 of the said judgment read as under:

“6. This Court finds it unfortunate that the parties cannot settle such a matter and the petitioner is willing to fight out the matter in court. We are conscious that the statements made in the court in the attempt for conciliation are not evidence before the court and will not be used as such. In any case, we are of the view that the allegations of cruelty and torture at the hands of the petitioner and the alleged desertion of the complainant as a result of beating, completely disentitle the petitioner to any consideration for anticipatory bail.”

Therefore, considering the rival contentions of learned counsel for the parties and as well as in the light of law laid down in **Mayank Pathak’s case (supra)**, this Court finds that no ground is made out to grant anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall not be influenced with the observations made hereinabove in any manner.

January 17, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No