

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

CRM-M-38629 of 2019 (O&M)

Date of Decision: February 18, 2020

Maninder Pal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.K. Saini, Advocate for
Mr. K.L. Saini, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Mr. Monty Goyal, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.108 dated 01.08.2019, registered under Sections 406, 498-A of Indian Penal Code at Police Station Women Cell Ludhiana, District Ludhiana.
2. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is submitted that the marriage between the parties was a simple marriage and neither any dowry articles were given at the time of marriage nor demanded later on.
3. Notice of motion was issued in the matter, pursuant to which

appearance has been caused on behalf of the respondent-State as well as complainant.

4. By an order dated 11.09.2019, the petitioner herein had been directed to join the investigation as well as to appear before the Mediation and Conciliation Centre of this court along with the complainant to explore the possibility of an amicable settlement of dispute, where the petitioner had to pay a sum of ₹ 10,000/- to the complainant towards travelling and miscellaneous expenses. Since the proceedings before the Mediator were not successful, the matter has been referred back to this court.

5. So far as the direction passed to the petitioner to join the investigation is concerned, counsel for the respondent-State submits that though the petitioner did join the investigation, however, there is no recovery of the dowry articles, which would amount to approximately ₹ 1,30,000/- for the gold articles.

6. At this stage, counsel for the complainant would submit that conduct of the petitioner herein is such that in terms of the order dated 11.09.2019, he brought the amount of ₹ 10,000/- to be paid to the complainant towards litigation and misc. expenses in a gunny bag containing ₹ 4000/- of ten rupee denomination notes and the balance ₹ 6000/- in the shape of coins of 50 paisa or ₹ 1. It is argued that this conduct of the petitioner would itself reflect his attitude of harassing the complainant.

7. I have heard counsel for the parties and have also perused the orders passed by the Mediator.

8. The petitioner had been directed to join the investigation and to

appear before the Mediator to explore the possibility of a compromise along with a direction to pay a sum of ₹ 10,000/- to the complainant towards litigation and miscellaneous expenses, which amount he did not bring on the date he put an appearance before the Mediator, as has been noticed by the Mediator in his order dated 04.10.2019. Subsequently, the said amount of ₹ 10,000/- was brought and handed over to the complainant i.e. ₹ 4000/- in the form of ten rupee currency notes and the balance ₹ 6000/- in the shape of coins of 50 paisa or ₹ 1. The petitioner herein is not a man who would be unable to arrange the amount of ₹ 10,000/- in proper denomination currency notes, considering the fact that he is working as a Cashier in Punjab and Sindh Bank. It appears, he emptied down the chest of the bank of the coins, in order to make payment with an intention of causing harassment to the complainant. This very attitude of the petitioner itself reflects poorly about the conduct and character of the petitioner herein, while also taking note of the fact that he has joined the investigation, but did not cooperate nor has got made recovery of the dowry articles. Under these circumstances, considering the conduct and attitude of the petitioner, this court is not inclined to grant anticipatory bail to the petitioner.

9. In view of the above, the instant petition is hereby dismissed.

February 18, 2020

vijay saini

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes/No

Yes/No