

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

CRM-M-13096-2021(O&M)

Date of decision:-23.4.2021

Mohd. Akram

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Gaurav Singla, Advocate
for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

Mr.Balwinder Sangwan, Advocate
for respondent No.2/complainant.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner Mohd. Akram, aged about 30 years, resident of House No.B-44, Abul Fazal Enclave, Zamia Nagar, Okhala, New Delhi, an accused in FIR No.14 dated 19.1.2021, under Sections 498-A, 323, 406 and 506 IPC, registered with Police Station Women, Ballabhgarh, District Faridabad.

Briefly stated, the facts of the case are that the FIR in question is outcome of matrimonial dispute between complainant Roshni and her husband Mohd.Akram, the latter being petitioner before this Court. The complainant Roshni in her written complaint submitted to the

police alleged that she was married with Mohd. Akram on 8.2.2019 according to Muslim customs and her parents had spent about Rs.20 lakhs on the marriage function; after the marriage, the complainant was maltreated by her husband and his family members inasmuch as she was taunted for not bringing sufficient dowry and was pressurized to bring money from her father for purchasing residential plot; she was beaten up also; to save the marriage of complainant, her father gave Rs.1,35,000/- to in-laws family of the complainant but to no effect; the husband of the complainant did not make any physical relations with her; on 28.6.2019, the petitioner had misbehaved with brother of the complainant and had rather manhandled him; the complainant was forced to leave the matrimonial home with a warning that she was not be allowed to present in the matrimonial home unless she brought Rs.5 lakhs and money for purchasing plots from her parents; in the Panchayat, the matter was settled on 4.12.2019 and spouses resumed cohabitation, however, the old story was repeated and the complainant was subjected to ill-treatment again and again the dispute was resolved by way of settlement deed under which the petitioner/husband agreed to pay Rs.8 lakhs to the complainant/wife to satisfy her claim towards maintenance as well as cost of dowry articles etc. and he agreed to give a cheque in the sum of Rs.8 lakhs to the complainant but subsequently neither the cheque was given nor the complainant was allowed to return to the matrimonial home.

After registration of the FIR the investigation in the case started. Some dowry articles belonging to the complainant were recovered but it was not not so with regard to the car given in the dowry to the

accused by the complainant side.

Apprehending his arrest, the petitioner had approached the Court of Sessions at Faridabad by moving an application for pre-arrest bail, which was assigned to Additional Sessions Judge, Faridabad, however, his such application was dismissed by the said Court vide detailed order dated 4.3.2021. As such, the present petitioner has approached this Court by way of filing the instant petition asking for the similar relief, which request is being opposed by the State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from arrest and custodial interrogation.

Here the allegations against the petitioner are very grave and serious inasmuch as he is alleged to have harassed and maltreated his wife in connection with demand of dowry besides turning her out of matrimonial home retaining her dowry articles including the car. The petitioner is said to have agreed to pay Rs.8 lakhs in the form of cheque for satisfaction of claim of the complainant towards her maintenance and cost of dowry articles etc. but it was not so given.

Though learned counsel for the petitioner has tried to render an explanation that since some of the dowry articles had been recovered by the police, therefore petitioner, who was to pay Rs.8 lakhs as cost of

the dowry articles was not required to make this payment but this explanation is not convincing. Rs.8 lakhs was statedly agreed to be paid by petitioner/husband to complainant/wife towards satisfaction of her claim for maintenance as well as cost of dowry articles. The accused is said to have given a cheque to the mediator and got the complaint withdrawn from his wife/complainant. Thereafter, the cheque was also taken away. If petitioner did not have any liability towards the complainant, then there was no occasion for issuance of cheque at the first instance and then taking it away. The petitioner is said to have misappropriated the dowry articles of the complainant given by her parents in dowry including the car, which is said to have been sold by the petitioner and the proceeds thereof misappropriated by him. The custodial interrogation of the petitioner is necessary for complete and effective investigation for getting recovery of dowry articles of the complainant and sale proceeds of the car effected. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Therefore, the petition is doomed for failure and is dismissed

accordingly.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

23.4.2021

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No