

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

104+204

CRM-M-10184-2020(O&M)

Decided on : 04.10.2021

SUMIT GUPTA

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Pardhuman Garg, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG Punjab.

Mr. Anandeshwar Gautam, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

CRM-32953-2021

The instant application has been filed for placing on record the copy of the MLR dated 26.09.2019 (Annexure P-5) and further seeking exemption from filing original copy of MLR dated 16.09.2019.

The application is allowed. Annexure P-5 is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM-M-10184-2020

The instant petition has been filed under Section 438 CrPC for grant of anticipatory bail to the petitioner in case FIR No.0041 dated 12.02.2020 under Sections 406 and 498-A of the IPC registered at Police Station Mandi Gobindgarh.

Learned counsel *inter alia* contends that false and fabricated allegations have been levelled against the petitioner as well as his family of subjecting the complainant, arrayed as respondent No.2, to physical and mental harassment for not getting dowry as per their expectations. Learned counsel contends that the complainant-wife was admitted to Civil Hospital, Khanna on 26th September 2019 and she did not level any allegation, much less, by way of any whisper qua the alleged maltreatment or regarding any demand of dowry etc. He submits that even the allegations levelled against the petitioner of brutally assaulting his wife i.e., the complainant did not find any support from the MLR, which has been filed by the learned counsel and is annexed as Annexure P-5 with the petition. He submits that rather the injuries allegedly sustained by the complainant at the hands of the petitioner were indicative of being self inflicted.

Per contra, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner. He submits that the injuries received by the complainant could not by any stretch of imagination be self-suffered injuries and in fact corroborated her allegations levelled in the FIR in question. While drawing the attention of this Court to the MLR annexed

as Annexure P-5, it has been submitted that at the time of admission in Civil Hospital, Khanna, the doctor had noted that it was an alleged history of assault. Still further, it had also been noticed by the attending doctor that there was pain and swelling on the left arm as well as on the neck of the complainant for which she had been advised X-ray and further investigation. Learned State counsel further submits that on account of the assault, the complainant was facing difficulty in hearing in her left ear, as a result of which, the attending doctor at Civil Hospital Khanna referred her to PGIMER Chandigarh. Learned State counsel as well as learned counsel for complainant has submitted that the complainant remained admitted in PGIMER for two days and it was a matter of record that on account of the brutal beatings given to her by the petitioner, she had lost hearing of her left ear. It has been further submitted that when the complainant was subjected to assault by the petitioner as well as his parents, she was locked in a room and it was the complainant who called on 100 number, which led to the Police arriving at her matrimonial home and rescuing her from the clutches of the petitioner and his family. It has also been submitted that the petitioner and his family had misappropriated her entire *istridhan*.

I have heard learned counsel for the parties and perused the material on record.

Prima facie, there are serious and specific allegations levelled against the petitioner of subjecting his wife to both physical and mental harassment, which stands corroborated from the medical evidence.

In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the concession of anticipatory bail.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

October 04, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>