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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2853-2018 (O&M)

Date of Decision: 02.07.2021

Mohnish Saini

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(through video conferencing)

Present: Mr. Ranjivan Singh, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Ranjan Lakhanpal, Advocate, for the complainant.

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MANJARI NEHRU KAUL, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 0402 dated 28.11.2017 under Sections 406, 498-A IPC registered at Police Station Zirakpur, District SAS Nagar.

Learned counsel for the petitioner submits that the mediation between the parties has failed as the parties could not reconcile their differences to arrive at an amicable settlement. He has also submitted that a perusal of the FIR in question reveals that vague allegations have been levelled against the petitioner. He has invited the attention of this court to the contents of the FIR (Annexure P-1) of the petition wherein strangely a relief has been sought by the complainant that she be shifted to the matrimonial house so that she could start living with her husband independently and peacefully. Learned counsel has urged that it is indeed very strange that on the one hand she has levelled allegations of harassment against the petitioner and his family members and on the other hand she still

been, thus, submitted that it leaves no manner of doubt that the complainant had levelled fabricated allegation against the petitioner and his family as she was unwilling to live with the petitioner's mother and sister. The learned counsel further submits that he has instructions to say that all the dowry articles stand returned to the complainant and the petitioner is no longer in possession of any articles.

Learned counsel for the complainant has, however, vehemently opposed the submissions made by the learned counsel for the petitioner by urging that certain dowry articles still remain in possession of the petitioner which the petitioner has refused to handover to the complainant.

On a pointed query put to the learned counsel for the State as to which dowry articles were entrusted to the petitioner, he has very fairly conceded that in the FIR in question there is no such entrustment of articles reflected.

Be that as it may, the allegations of entrustment of dowry articles as alleged by the learned counsel for the complainant is disputed question of fact which would be looked into when the evidence is adduced by the parties before the trial court.

In view of the above, this petition is allowed and interim order dated 23.01.2018 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

02.07.2021
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No