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

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CRM-M-23976-2021
Date of Decision: 24.06.2021.

Raj Kumar

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab assisted by ASI Baljinder Singh.

Mr. Prashant Bansal, Advocate for the respondent No. 2.

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<u>AVNEESH JHINGAN, J (Oral):</u>

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] The petition under Section 438 of the Code of Criminal Procedure, 1973 is filed for pre-arrest bail in FIR No. 36, dated 2nd June, 2021, under Sections 406, 498-A, 420 of the Indian Penal Code, 1860 ['IPC'] registered at Police Station Women, District Patiala.

[3] The FIR was the result of an application given by wife of the petitioner. As per the application, their marriage was solemnized on 1st October, 2017. They were blessed with a child on 12th February, 2019. After the marriage, the petitioner was not happy with the dowry articles received. He was indulging in bad habits and to fulfil the same

had taken loan from different persons in Rajpura. After marriage loans were also taken from the relatives of the complainant. As per petitioners obtained signatures of the complainant and opened a trading concern in her name, a loan of Rs.10 lakhs was availed, blank cheques were got signed which were misused. The ornaments and other *istri dhan* is in possession of the petitioner. The complainant was mentally and physically tortured to bring cash amount from her father. On 4th September, 2020, the petitioner left the home leaving a note.

[4] In enquiry and on recording statements of witnesses, following facts emerged:-

(i) that after marriage, petitioner started demanding Rs. 25 lakhs for starting a new business; (ii) the father of the complainant deposited Rs. 5 lakhs in the bank account of the complainant; (iii) There was an attempt to settle the matrimonial dispute at *Panchayat* level but no compromise could be effected; (iv) petitions for divorce and for Restitution of Conjugal Rights are pending; (v) the petitioner is involved in another FIR No. 270, dated 4th December, 2020, under Sections 406 and 420 of the IPC; (vi) the dowry articles including gold ornaments are lying with the petitioner and (vii) no substance was found in the allegations leveled by the complainant against her mother-in-law.

[5] Mr. Sandeep Gahlawat, learned counsel for the petitioner argues that this is a case of matrimonial dispute and an endeavour would be made to settle. The submission is that there are

contradictions between the pleadings of divorce petition and contents of the FIR. It is argued that petitioner has now come to know that Vipin Bhateja who registered the FIR No. 270, dated 4th December, 2020 is relative of his wife.

[6] Ms. Monika Jalota, Deputy Advocate General, Punjab opposes the prayer for grant of pre-arrest bail. She argues that it is not merely a case of matrimonial dispute. There are allegations of commission of economic offence. Apart from *istri dhan*, blank signed cheques are with the petitioner. The allegations against the petitioner are serious.

[7] Mr. Prashant Bansal, Advocate for complainant submits that apart from having blank signed cheques, the petitioner has forged signatures of the complainant on some of the cheques. It is argued that complainant was harassed to the extent that her father had to deposit Rs. 5 lakhs to partially meet the demand of the petitioner for more dowry. It is vehemently argued that petitioner for discharging his loans, had issued cheques signed by the complainant and resultantly she is facing proceedings including under Section 138 of the Negotiable Instruments Act, 1881.

[8] In the present case, albeit the dispute is between husband and wife but intricacies of economic offences are involved. There are allegations of business being run by the petitioner in name of the complainant. The contention raised by petitioner before the Additional Sessions Judge, Patiala while arguing the anticipatory bail was that a

trading concern of complainant in the name and style of A-One was being run under the supervision of the petitioner. The contention is an indicator that the allegations with regard to business aspect in the complaint are not baseless.

[9] There are specific allegations that the blank signed cheques of the complainant were misused by the petitioner. As per contention of learned counsel for the complainant there are instances of petitioner forging signatures of the complainant on the cheques. During the enquiry by police, material was found against the petitioner vis-a-vis the allegations of monetary transactions.

[10] As per contents of note dated 4th September, 2020, stated to be left by the petitioner while leaving the home, certain persons had under coercion taken from petitioner blank cheques signed by the complainant. The contents fortifies the allegations of misuse of cheques.

[11] It is a trite law that matters involving economic offenders need a different approach not only during investigation but while considering the bail matters also.

[12] There is an aspect of matrimonial dispute also in the complaint. There are specific allegations of complainant being harassed for bringing more dowry. The father of the complainant had deposited Rs. 5 lakhs in the account of his daughter (complainant) to save the marriage and ATM card of the said account was used by the petitioner for operating the account.

[13] The contentions that there are contradictions in the pleadings of divorce petition and contents of the FIR would not be enough for grant of pre-arrest bail.

[14] Considering the nature and seriousness of allegations, no case is made out for pre-arrest bail.

[15] The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

24th June, 2021
pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes