

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

CRM-M No.35213 of 2021 (O&M)

Date of Decision:28.09.2021

(Heard through VC)

Sandeep

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harshul Dua, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Shubham Aggarwal, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.289 dated 30.07.2021 registered under Sections 498-A, 406, 377, 506 IPC at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner would contend that all allegations are false and in fact, the marriage that was solemnized between the complainant and the petitioner was a love marriage without any dowry. It is contended that the petitioner and the complainant were in a live in relationship for two years, while they were doing a job in Rewari and it is the complainant, who used to stay out of house for several days without informing the petitioner, due to which the petitioner was upset. It is submitted that the complainant had given a complaint against the petitioner in the Women Cell, Ambala wherein she had given a statement admitting that if she goes out somewhere without asking her husband and in-laws and

does not come back then her husband can re-marry. The said complaint was withdrawn and there were no allegations in the said complaint regarding offence under Section 498-A IPC.

Learned counsel appearing on behalf of the complainant opposes grant of anticipatory bail to the petitioner by contending that the petitioner herein had totally abandoned the complainant, which resulted in registration of the instant FIR. It is submitted that the complainant and the petitioner solemnized marriage on 20.11.2020, however, the petitioner would beat up the complainant being under influence of alcohol and in the morning would apologise for his behaviour, while assuring that he would not repeat such action. The petitioner would forget the promise made and again subject her to cruelty. On 28.02.2021, her husband Sandeep along with others took her jewellery and other articles from Rewari to Ambala without informing her. She went to her home town as her father expired and when she returned, she was not allowed entry despite being knocking the door repeatedly. The police was called but despite that she was not allowed entry and she had spent night at Women Police Station. It is also argued that after the complainant got the FIR registered, the petitioner herein approached Sessions Court, Ambala for anticipatory bail where the petitioner and the complainant were referred to mediation. The complainant used to travel a distance of more than 250 kms to attend proceedings, however, the petitioner while residing at Ambala did not bother to attend. In support of said allegations about the petitioner not attending the mediation proceedings, an affidavit dated 28.09.2021 has been filed, which is taken on record.

Learned counsel for the respondent-State also opposes grant of anticipatory bail to the petitioner by contending that the allegations levelled in the FIR are serious in nature and therefore, custodial interrogation of the petitioner would be required.

I have heard learned counsel for the parties and have perused the paper book and also perused the reply filed by the State as well as the affidavit filed by the complainant. The complainant had filed complaints against the petitioner complaining about the misconduct and ill-treatment meted out to her, however, it appears that the petitioner had apologized and promised to take her back and that is why the complaints were withdrawn. There is also a complaint where it appears that the petitioner had agreed to take the complainant back to matrimonial home but denied her entry. The conduct of the petitioner in not appearing before the Mediation and Conciliation Centre at Ambala while making the complainant to travel 250 kms. each way itself shows that he is hell-bent on harassing her.

In view of the aforesaid facts and circumstances, this Court is of the opinion that custodial interrogation of the petitioner would be required to investigate the matter. Consequently, the instant petition stands dismissed.

September 28, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No