

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 32541 of 2020 (O&M)

Date of decision : 14.1.2021

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Pawandeep Goyal

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Petitioner in person with
Ms. Aanchal Thakur, Advocate

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

Complainant in person with
Mr. B.S. Mittal, Advocate

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Efforts for reconciliation between the parties have been made but those have not proved to be fruitful.

Let the case proceed on merits.

This petition for pre-arrest bail under Section 438 Cr.P.C., has been filed by petitioner – Pawandeep Goyal, aged about 32 years, s/o Darshan Kumar, resident of Navi Basti, Street No. 1, House No. 1412, Bathinda, an accused in FIR No. 153 dated 16.9.2020, for offences under Sections 498-A and 406 IPC, registered at Police Station City I, Mansa, District Mansa.

Briefly stated, facts of the case, are that complainant Nancy Goyal, w/o Pawandeep Goyal, presently c/o Satpal s/o Rikhi Ram, resident of Jawaharke Road, Chungi Wali Gali, Ward No. 14-21, Mansa, Police Station City I, Mansa, had submitted a complaint to the police against Pawandeep Goyal - husband, Sneh Lata – mother-in-law, Darshan Kumar – father-in-law, Lakshmi Deep – sister-in-law (Nanad), Sanjeev Kumar – brother-in-law (Nandoia), contending that she was married with Pawandeep Goyal on 19.5.2014; that at that time as per demand of family of Pawandeep Goyal, an amount of Rs.15 lacs was spent on the marriage and giving jewellery, including gold items worth Rs. 5 lacs, whereas Rs.10 lacs were given in cash for purchase of dowry articles etc. According to the complainant, her parents had given a gold ring and a gold chain for her husband, a gold topas for her mother-in-law, gold topas for her sister-in-law, a gold ring for husband of the Nanand. After the marriage, when complainant went to the matrimonial home, she found that her husband and her family members are very greedy persons, who started taunting her for bringing less dowry and harassed and maltreated her so as to force her to bring more dowry articles; that she had given birth to a baby girl, who died after a few days of the birth. The complainant levelled allegations that her husband was having illicit relations with some unknown woman at Bathinda. According to her, when she failed to fulfill the demands of her husband and his family members to bring more dowry articles, she was turned out of the matrimonial home, retaining her Istridhan

articles and Rs.10 lacs given to them at the time of marriage. On receipt of the complaint, the matter was enquired into. When the parties failed to settle the dispute amicably, then formal FIR was registered. The investigation in the case started.

Apprehending his arrest in this case, petitioner Pawandeep Goyal, had approached the Court of Sessions at Mansa, seeking pre-arrest bail. His such application, was assigned to Additional Sessions Judge, Mansa, who vide order dated 7.10.2020, had dismissed the application. As such, the petitioner has approached this Court craving for the similar relief, which request is being opposed by learned State counsel as well as by the learned counsel for the complainant.

I have heard, learned counsel for the petitioner, learned State counsel, learned counsel for the complainant, besides going through the record.

Since, it happens to be a matrimonial dispute, an attempt was made to settle it amicably by referring it to Mediation and by asking the parties to appear before this court through video conferencing. However, such efforts have not proved to be fruitful. The complainant has levelled serious allegations of cruelty and harassment against the petitioner and his family members. There are allegations with regard to petitioner having misappropriated Istridhan articles of the complainant as well as Rs.10 lacs belonging to her. Although the petitioner is stated to have joined the investigation, as per order of the learned Additional Sessions Judge, but as stated by the learned counsel for the complainant and corroborated by learned

State counsel, the petitioner has not got recovered all the dowry articles including jewellery items and Rs.10 lacs in cash. Though learned counsel for the petitioner has denied that petitioner is in possession of any dowry articles belonging to the complainant, including the cash amount, saying that no proof has been attached by the complainant with regard to such items, but I find that it is a matter of common knowledge that in our society at the time of marriage of girl, she is given gifts in the form of jewellery, cash and other articles, which constitute her Istridhan. Therefore, on account of gravity and seriousness of the allegations and to effect the recovery of remaining Istridhan articles of the complainant and for finding out the complete factual position, the custodial interrogation of the petitioner is necessary. In case custodial interrogation of the petitioner is denied to the investigating agency, that would leave many lacuna, loopholes and gaps in the investigation, adversely affecting the investigation, which is not called for.

Thus, the petition is without an merit and is dismissed accordingly.

However, nothing discussed above shall have any bearing on the merits of the case.

14.1.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No