

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

(Heard through VC)

CRM-M-32618 of 2020 (O&M)
Date of Decision: March 24, 2021

Waheguru Pal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen Batra, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

Mr. Saurabh Arora, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.139 dated 28.09.2020, registered under Sections 406, 498-A of Indian Penal Code at Police Station Haryana, District Hoshiarpur.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is argued that the FIR has been lodged by the complainant under the influence of her parents. It is contended that the marriage between the petitioner and the

complainant was a love marriage and no dowry was ever demanded by the petitioner. It is also argued that the petitioner never harassed or humiliated the complainant, as alleged in the FIR. It is also submitted that even as per the FIR, the petitioner after selling his motorcycle paid ₹ 1 lac to the complainant for the treatment of her grandfather. It is also contended that the allegations, as levelled in the FIR, are false and frivolous.

Notice of motion was issued in the matter, pursuant to which appearance has been caused on behalf of the respondent-State as well as complainant.

Counsel appearing on behalf of the respondent-State as well as complainant would submit that the petitioner is harassing the complainant on the pretext of settling the matter. In fact, earlier also the matter was reported to the police and settled between the parties and the complainant had gone back to her matrimonial home, however, she along with her daughter was again subjected to beatings and was thrown out of the matrimonial home, as a result of which a DDR was registered with regard to the injuries suffered by her, which fact stands established from the MLR. It is also pointed out that even this matter was referred to Mediator for an amicable settlement by this court on the request of the petitioner, which process has also failed due to the conduct of the petitioner.

I have heard counsel for the parties and have gone through the pleadings of the case.

In the FIR, the complainant has levelled allegations of harassment and torture on account of demand of dowry in detail. On account of beatings being given to the complainant, earlier also, the matter

was reported to the police, however, the same was compromised and the complainant was taken back to her matrimonial home. Yet, the petitioner and his family members did not mend their ways and keep on harassing the complainant, which resulted in registration of the instant FIR.

On 14.10.2020, when this matter came up for hearing before this court, the petitioner showed his willingness to settle the dispute with the complainant and in order to show his bona fide, he was ready to deposit a sum of ₹ 2 lacs. Keeping in view the willingness of the petitioner and the fact that the complainant was not averse to the same, the matter was adjourned to 29.10.2020 with a direction to the petitioner to deposit a sum of ₹ 2 lacs with the Duty Magistrate within a period of 10 days.

On 29.10.2020, when this matter again came up for hearing before this court, the petitioner showed his inability in depositing ₹ 2 lacs with the Duty Magistrate on account of Covid-19 pandemic and that his business was not flourishing. Despite this conduct of the petitioner in not depositing ₹ 2 lacs in terms of order dated 14.10.2020, the complainant was even ready to mediate with the petitioner. In such a situation, since the complainant herself was ready to settle the dispute, the parties were referred to the Mediation Centre at Hoshiarpur.

On 22.12.2020, when this matter was taken up for hearing, a report had been received from the Mediation and Conciliation Centre at Hoshiarpur that the parties could not settle their disputes amicably. On that date, counsel for the complainant had submitted that the petitioner was not handing over the warm clothes belonging to the young daughter, on which, counsel for the petitioner had submitted that all the necessary clothing of the

minor girl would be handed over to the complainant forthwith by the petitioner. Under these circumstances, the complainant had been directed to go to her matrimonial home with any elder member of her family within two days for the aforesaid purpose and the matter was fixed for arguments.

Today, this court is informed that the complainant along with her family member had gone to her matrimonial home in order to collect the clothing belonging to the minor girl, however, she was not allowed to enter the house.

This court cannot lose sight of the fact that the petitioner is making false promises even before this court. On the first very date of hearing i.e. 14.10.2020, he himself offered that he was ready to settle the dispute and in order to show his bona fide, he was ready to deposit ₹ 2 lacs. When this court directed him to deposit the said amount within 10 days, on 29.10.2020, he showed his inability to do so. Further, the parties were referred to Mediation and Conciliation Centre at Hoshiarpur to settle the dispute, however, the same remained unsuccessful. Moreover, by an order dated 22.12.2020, on the assurance given by the petitioner that all the necessary clothing of the minor girl would be handed over to the complainant, the complainant was directed to go to her matrimonial home for the said purpose. However, the petitioner did not allow the complainant to enter her matrimonial home in order to collect the warm clothing belonging to the minor girl.

Under these circumstances, this court is of the considered view that above narrated conduct of the petitioner is such that this court is not inclined to grant any relief of anticipatory bail to him. Further, the

istridhan belonging to the complainant is still to be recovered from the petitioner. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to him.

In view of the above, the instant petition is hereby dismissed.

March 24, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No