

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

(213)

CRM-M-42823-2020

Date of Decision: 25.08.2021
(Heard through VC)

PARVESH CHAND

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.K. Chaudhary, Advocate
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioners in FIR No. 166 dated 15.09.2020 under Sections 406, 498-A of IPC registered at Police Station Shahpurkandi, District Pathankot.

Learned counsel for the complainant would contend that the complainant filed an FIR against the petitioner on the allegations that she had solemnized marriage on 25.02.2018 with the petitioner-Parvesh Chand. Out of this wedlock, no child was born. It is further submitted that at the time of marriage, sufficient dowry articles had been given to the petitioner.

Even subsequent thereof, there was always a demand for more dowry and a

demand for a sum of Rs. 2,00,000/- was also made and on account of non-payment of the same, the complainant was subjected to harassment and physical abuse. A compromise was effected between the parties and the complainant went to reside once more with the petitioner in her matrimonial home. However the circumstances did not change and she was again harassed physically as well as mentally. The bail applicaiton of the petitioner was dismissed by the Court below on the ground that the petitioner had subjected the complainant to cruelty.

The present anticipatory bail application has been pressed raising a contention that there is some scope of amicable settlement of the matrimonial dispute between the parties and thereafter the counsel for the petitioner prayed that the matter be referred to the Mediation and Conciliation Centre of this Court. This Court, without going into the merits of the case, deemed it appropriate to refer the matter to the Mediation and Conciliation Centre of this Court for the amicable resolution of the dispute. The parties were directed to appear before the Mediation Centre of this Court on 29.01.2021 while directing that a sum of Rs.15,000/- would be paid to the complainant-wife towards her litigation expenses on the date so fixed before the Mediation and Conciliation Centre of this Court. The arrest of the petitioner was stayed to enable him to join the mediation proceedings.

As per the report of the Mediator, the petitioner has not paid the litigation expenses of Rs. 15,000/- despite his own prayer that the matter be referred to the Mediation and Conciliation Centre. The petitioner did not put in appearance on the date so fixed by the mediator in the Mediation proceedings i.e. on 18.02.2021 and even on 15.03.2021 the petitioner

remained absent.

Therefore, keeping in view the very statement that had been given that the petitioner wanted to settle the dispute amicably and he himself had prayed that the matter be referred to the Mediation Centre, where he did not turn up nor paid the litigation expenses, this Court deem it appropriate not to allow the request for bail to the petitioner keeping in view that there are specific allegations that had been made in the FIR regarding demand of dowry and subjecting the complainant-respondent to cruelty.

The petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

25.08.2021

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No