

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 102

CRM-M-15231-2022

Date of decision : 18.05.2022

Dushyant Gupta

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM:    HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:    Mr.S.P.S.Sidhu, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

Mr.S.K.Garg Narwana, Senior Advocate, with  
Mr.Sukesh K. Jindal, Advocate, for the complainant.

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DEEPAK SIBAL, J. (ORAL)

A compilation of documents filed on behalf of the complainant in Court today is ordered to be taken on the record.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.312 dated 24.12.2021 registered under Sections 498-A, 406, 323, 34 and 506 IPC at Police Station Ismailabad, District Kurukshetra.

Surabhi Kansal filed a complaint with the police as per which on 30.11.2020 she and the petitioner had got married; it was an arranged marriage; on 31.08.2020 *roka* ceremony was performed; after ten days of the *roka* ceremony the petitioner's father telephoned the complainant's father and asked him to meet him for making arrangements for the marriage and other functions; on 13.09.2020 the complainant's father alongwith one of his relatives, met the petitioner's father; the petitioner's mother and one Anil Gupta (nephew of the petitioner's father) were also present there; during the course of such meeting the petitioner's father told the complainant's father that about Rs.2 crores are expected to be spent by the complainant's father on the upcoming wedding; Anil Gupta (the petitioner's father's nephew) said that they be given Rs.40 lakhs for purchase of a car, Rs.45 lakhs in cash

and another Rs.40 lakhs for jewellery/gifts etc.; the complainant's father was shocked at such demands and later went into a depression; to get the complainant's father out of his depression his relatives assured him of monetary help; on 05.10.2020 both parties shopped at Sham Jewellers, Chandigarh where the petitioner's sister demanded that the marriage ceremonies be held in five star hotels whereas the complainant's mother requested the petitioner's family to hold such ceremonies in a simple manner at Kurukshetra; such request of the complainant's mother was turned down in an angry tone; later, both the parties assembled at Pooja Sarees, Ambala where the petitioner's family raised further demands with regard to giving of gold coins and Rs.10 lakhs on ceremonies like *milni* etc.; this shocked the complainant's mother but under pressure she agreed to meet such demands; lakhs of rupees were given by the complainant's father to the petitioner's family in cash; a FDR for Rs.31 lakhs in the complainant's name was also given which is lying with the petitioner's family; on demands made, on different functions/occasions the complainant's father gave gold jewellery and other expensive gifts to the petitioner and his family members; the petitioner and his family members also demanded and took lakhs of rupees to purchase a luxury car but after accepting the money they did not purchase any car and kept the money; the ring ceremony was held in a five star hotel in Chandigarh in which, on demand, a designer watch, eleven gold coins and one diamond solitaire ring were given to the petitioner; on 30.11.2020 the marriage of the complainant and the petitioner was performed in another five star hotel in Chandigarh in which, on demand, jewellery and other items as also cash were given by the complainant's family to the petitioner's family; on 01.12.2020 the petitioner's mother took the jewellery which was part of the complainant's *istri dhan* and kept the same in her locker; on 03.12.2020, on the petitioner's birthday, the complainant's father gave him another gold chain, Rs.51,000/- in cash and clothes etc. which was not appreciated by the petitioner as the same was found to be lesser than expected; on several occasions the petitioner gave beatings to the complainant as a result whereof she had to undergo eye treatment at Grewal Eye

Institute at Chandigarh; the petitioner also pulled her hair to an extent that the same came out from its very roots for which she also had to take medical treatment and that in October, 2020, on account of beatings given by the petitioner to the complainant, she was taken to the hospital by the police.

On the basis of the aforesaid complaint the FIR in question was registered in which the petitioner seeks anticipatory bail.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case on account of a matrimonial discord between the petitioner and the complainant; the allegation of giving beatings by the petitioner on the complainant's eye on 24.12.2020 is falsified from the fact that on 25.12.2020 both the petitioner and the complainant were vacationing together in Shimla; the allegation of pulling of the complainant's hair by its roots by the petitioner is also incorrect as that was on account of a disease which the complainant was suffering from; on 16.10.2021 it was the complainant who had given beatings to the petitioner and this is so reflected in the petitioner's MLR; no demand of any dowry was made by the petitioner or his family members; the payment for the marriage ceremonies was in fact borne by the petitioner's family which is so reflected in the bills of the respective hotels and that the petitioner is also ready and willing to join and cooperate with the investigation.

Learned State counsel as also learned senior counsel appearing for the complainant oppose the grant of anticipatory bail to the petitioner by *inter alia* referring to a medical certificate dated 25.12.2020 as also a photograph of the complainant of the same date through which is shown an injury below the complainant's left eye caused by the petitioner. Reference is also made to a medical certificate dated 08.04.2021 as per which the complainant was being treated for pulling of her hair from its very roots by the petitioner. Attention of this Court is also drawn to the complainant's MLR dated 17.10.2021 as per which she received as many as five injuries on her person at the hands of the petitioner. After reading the allegations made by the petitioner in para 8 of his petition wherein he has stated that the petitioner and

the complainant went on pleasure trips to Goa from 14.12.2020 to 19.12.2020, to Rajpura on 23.12.2020 and to Shimla from 25.12.2020 to 27.12.2020 etc., this Court is shown a certificate of the petitioner dated 19.12.2020 through which the petitioner has been diagnosed to be COVID-19 positive showing the falsity in the case set up by the petitioner before this Court as also his manipulative nature.

A telephonic conversation allegedly between the complainant and her father was also produced and heard by this Court during the course of which the petitioner gave merciless beatings to the complainant as also hurled at her the choicest of abuses.

Reliance is also placed on the report by the police which was attached to the reply filed by the police to oppose the petitioner's anticipatory bail before the Sessions Court at Kurukshetra as per which the petitioner and his co-accused had not cooperated with the investigation and rather after receipt of notices from the police to join the investigation they had operated their bank lockers to misappropriate the complainant's jewellery.

Within one year of their marriage there are at least three episodes brought on the record by the complainant through which she alleges merciless beatings to her by the petitioner. These include an injury just under her left eye, pulling of her hair from their very roots and one incident where she has received as many as five injuries which include two contusions.

The complainant has further relied on the recording of a telephonic conversation in which the petitioner is heard hurling the choicest of abuses at the complainant as also slapping/hitting her.

Then there are the allegations of demand and receipt by the petitioner and his co-accused gifts/cash/jewellery worth over a crore of rupees.

Above all is the stand of the State with regard to the petitioner and his co-accused having not cooperated with the investigation and rather, after having been put to notice of the lodging of the FIR, for having taken steps to misappropriate the

complainant's jewellery which was part of her *istri dhan*.

Taking a cumulative note of the above, this Court is disinclined to grant anticipatory bail to the petitioner and resultantly orders to deny him the sought concession.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

18.05.2022  
shamsher

[DEEPAK SIBAL]  
JUDGE

|                           |   |          |
|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |