

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(222)

CRM-M-20381-2022
Date of Decision: 07.09.2022

Vijay Kumar

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.198 dated 15.5.2012 under sections 498-A, 406 IPC registered at Police Station, Civil Lines, Amritsar.

As per factual matrix, the FIR in question was lodged by the complainant wife, wherein it was alleged that she was married with Vijay Kumar i.e. the present petitioner in February, 2007, however, after the marriage her husband and in-laws started harassing her on account of demand of dowry. Though, her father had given sufficient dowry as per his capacity, however, her in-laws were not satisfied with the same. Finally she was turned out of her matrimonial home. It was also alleged that cruelty of the petitioner went to the extent that he used to keep her confined in a room for many days. As the cruelty went on she had no alternative than to take resort to the legal action against the petitioner. Finally on the basis of her complaint present FIR was lodged and investigation commenced.

During investigation two accused i.e. the petitioner and his father were nominated. The petitioner could not be arrested after registration of the FIR and was declared Proclaimed Offender in the year 2013. Thereafter he was arrested on 18.11.2021. He approached the court of learned Addl. Sessions Judge (FTC), Amritsar for grant of bail, however, after hearing the parties, the same was declined vide order dated 6.4.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case. He submits that allegations pertaining to demand of dowry and cruelty etc. are false and frivolous. He candidly submits that petitioner was declared Proclaimed Offender in this case in the year 2013, however, parties have amicably settled their dispute and brother of the petitioner had transferred an amount of Rs.75,500/- in the bank account of the complainant. He submits that dispute in question is purely matrimonial. He submits that petitioner has no criminal antecedents and he deserves to be granted the benefit of bail.

On the other hand, learned State counsel submits that petitioner did not join investigation and hence he was declared a Proclaimed Offender in the year 2013. He submits that after his arrest investigation is complete and challan already stands presented. He further submits that as per information provided to him petitioner is not involved in any other case.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner before this court is the husband of the complainant. Evidently the dispute in question arose due to matrimonial discord. Though petitioner was initially declared Proclaimed Offender, however, he was arrested on 18.11.2021 and since then he is in custody. The investigation already stands completed and challan has been presented. As per submissions made by counsel for the petitioner, the dispute in question has been amicably settled and a sum of Rs.75,500/- was transferred by the brother of the petitioner in the bank account of the complainant. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

07.09.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No