

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

103

CRM-M-54385-2021

Date of decision : 05.01.2022

Swati Mahajan

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Surabhi Kaushik, Advocate
for the petitioner.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

Vide the instant petition filed under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 (for short, “the Code”), the petitioner seeks cancellation of anticipatory bail granted to her husband-respondent No.2 by the learned Additional Sessions Judge, Karnal, vide order dated 22.01.2021, Annexure P-3, in FIR No. 105 dated 10.02.2020, registered under Sections 377, 406, 498-A, 506 IPC, 1860, at Police Station City Karnal, District Karnal, Annexure P-1.

FIR, Annexure P-1, has been registered on the basis of a complaint given by the petitioner on the allegation that despite the fact that at the time of her marriage with respondent No.2 on 30.11.2014, her parents incurred huge expenditure and gave her sufficient dowry but respondent No.2 and his family members were dissatisfied and had been continuously harassing her for more dowry. The complainant has mentioned instances of demands and entrustment made to the accused.

She has alleged that she has been ill-treated and assaulted by all the accused, including her husband, who have shown cruel behaviour towards her, even though she has a minor child from marriage. Complainant/petitioner has alleged that respondent No.2-husband has indulged in unnatural sex and is also in an adulterous relationship.

Counsel for the petitioner has been heard.

After the registration of the FIR, the accused/respondent No.2 approached the Sessions Court and vide order dated 04.03.2020, he was granted interim anticipatory bail after considering that the complainant-petitioner was earlier married to one Bharat Bakshi in November, 2011 and the marriage with respondent No.2 was solemnised after her divorce from first husband on 18.09.2013. The Court also noticed that a divorce petition has been instituted by the private respondent which is pending and there are allegations and counter-allegations levelled by the couple against each other. The private respondent was directed to join the investigation and vide order dated 22.01.2021, Annexure P-3, the interim bail was made absolute.

Though it has been urged by the counsel for the petitioner that the petitioner is being harassed by respondent No.2 yet she has not given any instance of harassment at his hands after the passing of the order, Annexure P-3. The argument of the counsel that the petitioner has not received back the dowry articles, is of no avail as it has been noticed by the learned Additional Sessions Judge, Karnal in the order Annexure P-3 that the petitioner refused to accept the dowry items. A specific reference has been made by the learned Sessions Judge to the

videography played in the Court by the Investigating Officer showing refusal by the complainant-petitioner. Still further, it has come on the record that the private respondent has joined and cooperated with the investigation which has been concluded and he has been admitted to regular bail at the time of the filing of the challan on 12.01.2021.

Finding no ground in the instant petition, it is ordered to be dismissed.

05.01.2022

anju

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No