

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

208

CRM-M-51801 of 2018
Date of decision : 05.12.2022

Ashwani Kumar @ Ashwani Chaudhary

... Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM : HON'BLE MRS.JUSTICE AMARJOT BHATTI

Present : Mr.Tuneet Walia, Advocate for the petitioner.

Mr.Mohinder Singh Joshi, Addl. AG, Punjab.

Mr.Sheery K.Singla, Advocate for respondent No.2.

Amarjot Bhatti, J.(Oral)

Ashwani Kumar @ Ashwani Chaudhary has filed this petition under Section 438 Cr.P.C. praying for the grant of anticipatory bail in case FIR No.135 dated 08.10.2022 (Annexure P-1/T) under Section 498-A/406 IPC registered at Police Station Nangal, Rupnagar.

Brief facts of the case are that the complainant-Munisha filed a written complaint to the police alleging that she got married with Gurparshad on 12.10.2021 according to Sikh rites. Her parents had already expired. Therefore, her marriage was performed by her paternal uncle and aunt. At the time of marriage, they had spent Rs.12 lacs. The marriage was settled with the intervention of Ashwani Kumar- petitioner who is sister's son of her father. Her husband was working in South Africa. The marriage was settled in 10 days. After marriage, Ashwani Kumar-petitioner raised demand for vehicle for her husband. Ultimately, her paternal uncle arranged FDR of Rs.1 lac on her name. She was taunted and maltreated for bringing insufficient dowry. In November,

2021, when her husband was going to abroad, cash of Rs.5 lacs was demanded from her paternal uncle. She expressed her inability to satisfy this demand. She was also beaten up in the matrimonial home. Her in-laws family was pressurizing to get property and cash amount of her share on account of death of her father. Due to medical problem, she was taken to the doctor who claimed that she was having less eye sight in her left eye. On account of demand of dowry and aforesaid facts, she was turned out of the matrimonial house. Ultimately, after investigation, the present case has been registered.

Learned counsel for the petitioner argued that Ashwani Kumar @ Ashwani Chaudhary was mediator in the marriage. He was not the beneficiary in the dowry articles. The allegations against him are false. He has already joined the investigation and he is still willing and ready to join investigation. Therefore, his anticipatory bail application be allowed.

The bail application is opposed by the counsel representing State. It is argued that he is specifically named in the FIR regarding the demands raised by the in-laws family of the complainant. Considering the specific allegation, he is not entitled to be released on anticipatory bail.

I have considered the arguments and have gone through the record carefully. Ashwani Kumar was a mediator in the marriage and he was a common relative. There is nothing on record to show that he raised any demand for himself. The allegations regarding cash amount or other demands were raised by the husband of the complainant as well as in-laws family. No recovery is to be effected from him. He is ready to join the investigation.

Therefore, without expressing my mind on the merits of the case, the anticipatory bail application filed by Ashwani Kumar is allowed. He be not arrested. In case he is arrested, he may be released on bail by the

Arresting/Investigating Officer subject to the conditions enshrined under
Section 438(2) Cr.P.C.

Petition is accordingly disposed of.

05.12.2022
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(AMARJOT BHATTI)
JUDGE

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