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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2634-2023

Date of Decision:- 03.05.2023

Pankaj Kumar Sharma

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

Mr. Mukesh Kumar Bhatnagar, Advocate
for the respondent No. 2.

AMARJOT BHATTI, J. (Oral)

The petitioner – Pankaj Kumar Sharma has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 60 dated 20.12.2022, under Section 406/498-A of IPC, registered at Police Station Women Cell, Amritsar.

The facts of the case are that Saruchi Sharma – complainant filed written complaint against her husband alleging that she got married with Pankaj Kumar Sharma on 18.02.2022 according to Hindu rites. In the month of sawan, she was sent to her parental house and was told not to come back in that month. Nobody called her during the said period. Her parents requested her in-laws to take her back and in return they raised demand of Rs. 20 lacs. She was pregnant at that time. Her parents were not in a position to give this huge amount. Her parents convened a panchayat

but they did not listen to them. Gagandeep Singh, Lucky Bedi, Yogesh who are friends of her husband came to their house and threatened them many times. They used to say that his maternal uncle is DSP, therefore, nobody can do anything to them. The petitioner challenged the paternity of child but during investigation, on 06.10.2022, he admitted that he is father of the child. He also levelled allegations against his wife that she was consuming drugs. Dope test of the complainant was conducted which came out to be negative. Ultimately, the present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. He has never ill treated his wife. The marriage was simple. The matter was also referred to District Mediation and Conciliation Centre, Amritsar but the matter could not be settled. He is ready to join the investigation. It is prayed that his anticipatory bail application may be allowed.

Bail application is opposed by learned counsel representing the State as well as learned counsel for the complainant. Detailed status report is received, according to which the petitioner joined the investigation on 18.01.2023 but he did not cooperate with the investigating agency. His attitude was adamant and evasive. The dowry articles could not be recovered. It is prayed that custodial interrogation is required for fair investigation of the case. Therefore, his anticipatory bail application may be declined.

I have considered the arguments and have gone through the record carefully. The prosecution has placed on record the list of dowry articles which are required to be recovered from the matrimonial home. The perusal of status report shows that despite the fact that his arrest was stayed subject to the joining of investigation, he did not cooperate with the

investigating agency. It is specifically mentioned in the status report that he did not cooperate nor the dowry articles could be recovered. His behaviour was adamant and evasive. The facts of the case further indicate that he levelled serious allegations on the complainant regarding consuming of drugs and he even denied the paternity of child but later on, the dope test came to be negative, whereas, he also admitted the paternity of the child. Considering the aforesaid facts, in my opinion, the petitioner is not entitled to the relief of anticipatory bail. The dowry articles are yet to be recovered, otherwise, the investigation of the case will be adversely effected. Therefore, finding no merits in the anticipatory bail application filed by the petitioner – Pankaj Kumar Sharma, the same is accordingly, declined.

03.05.2023

*lalit***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No