

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-5530-2023(O&M)

Date of decision :03.05.2023

Deepak Kaushik

..... Petitioner

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

AMARJOT BHATTI J. (ORAL)

The petitioner-Deepak Kaushik has filed the instant petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 585 dated 15.09.2022, registered under Sections 120-B, 313, 323, 354, 354-A, 377, 406, 498-A, 506 of IPC (Section 120-B, 313, 354, 354-A of IPC were deleted later on), at Police Station City Palwal, District Palwal.

The facts of the case are that Sonia Sharma complainant filed written complaint against her husband and in-laws family alleging that she got married with Deepak Kaushik on 09.03.2019 according to Hindu Rites at Palwal. Her father had spent around Rs.30/40 Lacs at the time of marriage. He had given Brezza car, furniture, gold ornaments, silver jewellery, clothes which are mentioned in the list of dowry articles. Soon after marriage, she was harassed and beaten up for bringing less dowry. Even her father-in-law and brother-in-law misbehaved with her by making obscene remarks. She was six months pregnant when she was thrashed badly for bringing less dowry. The matter was also reported to the police. She was admitted in

Government Hospital Palwal and she was further referred to Government Nalhad

Hospital, Nuh. She remained admitted in Government Hospital Palwal from 07.02.2020 to 08.02.2020, as ultrasound machine was out of order in Nalhad Hospital. She was told to go to her parental house for delivery. She gave birth to a son on 02.05.2020. Her husband defamed her by posting indecent objectionable posts on social media. Later on he asked for apology. However, he continued his previous behaviour. Her in-laws and her husband did not let her live in peace in the matrimonial home. Her husband was in contact of other girls. She was physically and mentally tortured. Ultimately, the matter was reported to the police and the present FIR has been registered.

The learned counsel for the petitioner argued that he is falsely implicated in this case. The allegations are false even otherwise, he has joined the investigation and the dowry articles are also recovered. The complainant had given beating to her mother for which she was hospitalized. He has placed on record MLR of his mother (Annexure P-3), her photographs (Annexure P-4) and the complaint was filed to SHO, Palwal (Annexure P-2). He has also placed on record copy of recovery memo (Annexure P-10), according to which the dowry articles are already recovered. He will abide by the terms of bail order. It is prayed that his anticipatory bail application may be allowed.

Learned State counsel has opposed the bail application. The detailed status report is also filed. It is argued that there are specific serious allegations against the petitioner. The MLR of the prosecutrix is Annexure R-1. Her statement was also recorded before the Illaqa Magistrate under Section 164 Cr.P.C. Considering the nature of allegations, the petitioner is required to join the investigation. The dowry articles are yet to be recovered. Therefore his anticipatory bail application may be declined.

I have considered the arguments and have gone through the record carefully. The copy of recovery memo (Annexure P-10) dated 08.01.2023 indicate that the father of the petitioner had handed over the dowry articles to the police which are taken into police possession. Therefore, the dowry articles are recovered. In case any of the dowry articles are yet to be recovered, then its entrustment and miss-appropriation is matter of trial. Petitioner is not likely to abscond. He is ready to join the investigation as and when required. Considering the aforesaid facts the anticipatory bail application filed by the petitioner is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Investigation Officer/Arresting Officer subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly accepted.

(AMARJOT BHATTI)
JUDGE

03.05.2023.
Sunil Devi

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