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

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Date of decision : 05.07.2023

Pardeep and Ors

..... Petitioners

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Vikas Bishnoi Godara, Advocate for the petitioner.

Mr. N.S. Behgal, AAG Haryana.

AMARJOT BHATTI J. (ORAL)

The petitioners – Pardeep, Bimla and Monika have filed anticipatory bail petition under Section 438 Cr.P.C. in FIR No. 106 dated 28.03.2023 under Sections 323, 354A, 406, 498A, 34 of IPC, registered at Police Station Matlauda, Panipat.

2. The facts of the case are that the complainant Yachika filed written complaint against her husband and in-laws family alleging that her marriage was solemnized with Pardeep on 14.03.2021 according to Muslim rites and ceremonies. Her parents had spent Rs. 8 lacs on marriage. They had given dowry articles to Pardeep and his family members as mentioned in the list. On reaching the matrimonial home, her mother-in-law and sister-in-law started complaining that their respect has been lowered in the society. They were expecting a car. They started raising demand for i20 car or cash of Rs. 5 lacs for car. It was alleged that her father had defamed them by giving cash of Rs.

65,000/-. Thereafter, her father again borrowed Rs. 1 lac from her uncle Sonu

and gave it to her husband with a request that he was not in a position to satisfy their demand. After some time, her husband again raised demand of Rs. 5 lacs. She was ill-treated in the matrimonial home. There was no change in their behaviour. A Panchayat was convened but her husband and in-laws family did not turn up. Ultimately, the complaint was filed, on the basis of which present FIR has been registered.

3. Learned counsel for the petitioners argued that all the allegations levelled against them are false. They are ready to join the investigation and handover the dowry articles. No Panchayat was convened by the father of the complainant. The allegations are false and without any basis. Earlier, the petitioners were granted *interim* bail by the Court of learned Additional Sessions Judge, Panipat and later on, their bail application was declined vide order dated 24.04.2023, by holding that they did not join the investigation. Copies of orders are Annexures P-2 and P-3. Thereafter, the petitioners filed anticipatory bail in the High Court which was withdrawn as per order dated 03.05.2023, Annexure P-4. They again approached the Court of learned Additional Sessions Judge for the relief of anticipatory bail which was again dismissed vide order dated 08.05.2023, which is Annexure P-5. They have not been declared Proclaimed Offenders. They are ready to join the investigation. Therefore, their anticipatory bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State. Detailed status report has been filed. In the status report, the aforesaid orders are referred vide which anticipatory bail application has been declined twice by the learned Additional Sessions Judge and it was withdrawn from the High Court. Now again, it is the second anticipatory bail application filed by the

petitioners. It is pointed out that the petitioners did not cooperate with the investigation of the case. The dowry articles could not be recovered as yet. Their custodial interrogation is required. Therefore, their anticipatory bail application may be dismissed.

5. I have considered the arguments and have gone through the record. I have carefully perused the status report placed on record which reveals that at the initial stage when the complaint was filed by the complainant, the notice was sent to the petitioners/accused to appear for counseling but the petitioners/accused did not come present before the concerned police official and ultimately the FIR was registered. Thereafter, they approached the Court of learned Additional Sessions Judge seeking anticipatory bail and in that case as per order dated 20.04.2023, Annexure P-2, *ad interim* relief was granted and they were directed to join the investigation. Further, when they did not join the investigation, the anticipatory bail application was declined vide order dated 24.04.2023, which is Annexure P-3. It is matter of record that anticipatory bail application was filed in the High Court and it was withdrawn with the liberty to file fresh anticipatory bail application before the Sessions Court. Again the anticipatory bail application has been declined by learned Additional Sessions Judge vide order dated 08.05.2023, Annexure P-5 and again the second anticipatory bail application was filed by the petitioner before this Court.

I have gone through the contents of the complaint. It is matter of record that till date no dowry article has been recovered as yet. The petitioner Pardeep has not joined the investigation. The dowry articles are yet to be recovered which is a case property under the provisions of Section 406 of I.P.C. Therefore, considering the specific allegations of maltreatment and

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misappropriation of dowry articles, the petitioner Pardeep – husband of the complainant, in my opinion, is not entitled to the concession of anticipatory bail and his bail application is accordingly, declined.

So far as Bimla mother-in-law of the complainant and Monika sister-in-law of the complainant are concerned, no purpose would be served by sending them behind the bars. The dowry articles can be recovered from the main accused Pardeep. Therefore, taking a lenient view, the anticipatory bail application filed by the petitioners - Bimla and Monika is allowed. They be not arrested. In case of their arrest, they be released on bail to the satisfaction of Investigating Officer/ Arresting Officer subject to the conditions as enshrined under section 438(2) of Cr.P.C.

The petition is accordingly disposed of.

(AMARJOT BHATTI)
JUDGE

05.07.2023
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No