

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-25983-2022

Date of decision : 19.05.2023

Naveen Arya

..... Petitioner

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Naveen Kumar, Advocate for the petitioner.

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

Ms. Gagandeep Kaur, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. The petitioner-Naveen Arya has filed the instant petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.19 dated 12.04.2022, under Sections 498A, 406 of IPC, registered at Women Police Station Jalandhar, District Jalandhar.

2. The facts of the case are that the complainant-Anu Arya @ Amandeep Kaur filed written complaint to the police against her husband and Inder Singh, alleging that her marriage was performed with Naveen Arya on 13.02.2009 at Sahib Bandgi Ashram Basti Peer Dad Jalandhar according to Hindu rites. She was given sufficient dowry articles, gold ornaments at the time of marriage. She gave birth to two sons. After sometime her husband adopted a daughter namely Vanya Arya in the year 2019 who was born on 31.12.2018. Her parents had spent Rs.10 Lacs at the time of marriage. She was given electrical goods and other household

articles. After sometime, the accused started raising demand for more dowry. They ill-treated her in order to compel her to bring a luxurious car from her parents which was beyond their capacity. She was maltreated and even beaten up in the matrimonial home. The accused No.2 is a retired Inspector from Excise Department. He even threatened to kill her. The accused No.1 purchased Polo car by pledging the gold ornaments with Muthoot Finance and forced her parents to pay the monthly instalment. Her husband was also addicted to liquor and used to smoke. She was ill-treated during her stay in the matrimonial home. She has narrated various incidents which took place throughout these years. Since 01.04.2021, she is residing in her parental home along with her son namely Kanisk Arya and daughter Vanya Arya. The accused No.1 has refused to maintain her and her children. Ultimately, the present FIR has been registered.

3. The learned counsel for the petitioner argued that all the allegations levelled against him are false. Their marriage had taken place in a Ashram in a simple manner. Therefore, no dowry was given. He has placed on record the copy of photographs Annexure P-6 when the marriage ceremony took place in the Ashram. In fact the complainant was always under the influence of her parents. The petitioner had provided financial help of Rs.20 Lacs for sending the brother of complainant to America. She never looked after him. He had filed a complaint against his wife and the present FIR is counter blast to the said complaint. Learned counsel for the petitioner has placed on record copy of other cases which are pending between the parties. He has already returned all the articles to the complainant. There is one photograph of canter loaded with household articles, which is Annexure P-9 and P-11 and there is one copy of receipt Annexure P-10

allegedly signed by Anu Arya. He is ready to join the investigation as and when required. Therefore, his anticipatory bail application may be allowed.

4. The bail application is opposed by learned counsel representing the complainant as well as by the learned State counsel. It is confirmed by the learned State counsel that till date no dowry article has been recovered. The complainant present in the Court also confirmed that she has not received any article or the canter loaded with household articles. She has also denied the receipt allegedly signed by her rather she claimed that it is in the hand writing of the petitioner himself. The learned counsel for the complainant has placed on record photographs (Annexure R-5) showing the gold ornaments and other articles given to the petitioner and his family members at the time of marriage. It is pointed out that the petitioner has failed to return these dowry articles, therefore, he is not entitled to the concession of anticipatory bail.

5. I have considered the arguments and have gone through the record carefully. In this case, the matter was referred to the mediation but it could not succeed. The petitioner was granted interim bail vide order dated 14.07.2022 giving ample opportunity to him to join the investigation and to assist in the recovery of dowry articles. Rather he has placed on record the photographs of canter loaded with the articles to which the investigating officer assisting the learned State counsel stated that they have not taken into police possession any dowry article, whereas the complainant present in the court also denied to have received the said articles. She pointed out that during the mediation proceedings, she had received only the documents belonging to her and her children. She has placed on record extract of whatsapp chat which is Annexure R-7 and one handwritten receipt of only one bag containing clothes and toys which is Annexure R-8. The rest of the dowry articles are

yet to be recovered, which is case property falling under Section 406 of IPC. In case, the petitioner is granted the relief of anticipatory bail, the investigation of the case will be adversely effected.

Considering the aforesaid facts, I do not find a fit case for grant of anticipatory bail to the petitioner-Naveen Arya and the same is accordingly declined.

(AMARJOT BHATTI)
JUDGE

19.05.2023.
Sunil Devi

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