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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32401-2021

Date of Decision:- 17.03.2023

YADWINDER SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. A.S. Manaise, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Yadwinder Singh has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 2, dated 25.01.2021 under Sections 498-A and 406 of Indian Penal Code, 1860 registered at Police Station Women Cell, Ferozepur, District Ferozepur.

The facts of the case are that Amandeep Kaur – complainant filed a written complaint against her husband and other in-laws family alleging that she got married with Yadwinder Singh on 24.09.2017. At the time of marriage, she was given dowry articles as detailed in the FIR, which included furniture, electrical goods, gold ornaments and other gifts. Her parents had also given Maruti Swift car in the marriage. They had spent Rs. 30 lacs on marriage. All the dowry articles was her istridhan. After reaching matrimonial home, she was not allowed to use her dowry

the articles have been embezzled. Out of this wedlock, she gave birth to a daughter Japneet Kaur, born on 12.11.2018. After marriage, she had come to know that her husband was addicted to liquor and drugs. He used to pressurize her to bring cash amount and gold articles from her parents. She was beaten up and taunted in the matrimonial home. The effort was made by the Panchayat to effect compromise but it failed. Ultimately, she along with her child was turned out of the matrimonial home. They insisted on their demand openly in the Panchayat. Ultimately, the present case was registered.

Learned counsel for the petitioner argued that all the allegations levelled against him regarding maltreatment and demand of dowry are false. It is for the complainant to prove her own version. There is unexplained delay of 71 days in lodging the FIR. No offence under Section 406, 498-A of IPC is made out. His anticipatory bail application was wrongly declined by learned trial Court by passing impugned order dated 10.06.2021, Annexure P-2. He has already joined the investigation. Therefore, his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the complainant as well as learned counsel representing the State. It is pointed out that despite given the relief of *interim* bail, he has failed to cooperate with the investigation. Till date, no dowry article has been recovered. The matter was also referred for mediation twice but he did not cooperate. He did not pay the litigation expenses of Rs. 22,000/- before the Mediator as per order dated 19.12.2022. Therefore, the petitioner is not entitled to the relief of anticipatory bail.

I have considered the arguments and have gone through the record carefully. In this case, the complainant has levelled the allegations

of maltreatment on account of demand of dowry as well as misappropriation of her dowry articles. As per the list of dowry articles, Maruti Swift car, gold ornaments, furniture etc are yet to be recovered. The petitioner was granted the relief of *ad interim* bail vide order dated 30.11.2021 but he did not cooperate with the investigating agency. During this period, the matter was referred to Mediation and Conciliation Centre twice but the matter could not be compromised nor he deposited Rs. 22,000/- as litigation expenditure before the Mediator. The dowry articles belonging to the complainant are yet to be recovered, which is a case property falling under Section 406 of IPC. Considering the aforesaid facts, I do not find a fit case for grant of anticipatory bail to the petitioner – Yadwinder Singh and the same is, accordingly, declined.

17.03.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No