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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31347-2023 (O&M)
Date of decision : 31.08.2023

Avneet Singh Ghai ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vishal Goel, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

Mr. Ashir Gulati, Advocate for
Mr. Akhil Kashyap, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.50 dated 12.08.2022 under Sections 323, 406, 498-A, 506, 34 of the Indian Penal Code, 1860 (Section 328 added later on) registered at Police Station Women, District Patiala.
2. In the present case the FIR was lodged by the complainant on the allegations that she had got married to the petitioner herein on 26.04.2021 and that she had been honey-trapped into the marriage by the petitioner. It was further the allegation that the parents of the complainant had performed a lavish marriage and had spent Rs.35,00,000/- on the

marriage and that all demands for dowry were fulfilled. It was further the allegation that though she was a student of 3rd year BDS from DAV College, Yamuna Nagar and she was assured that she would be allowed to continue her studies, however, she was made to quit her studies. Further allegation in the FIR *inter alia* was that on 04.06.2021 the petitioner herein forced the complainant to call her father and demanded Rs.2,00,000/- and when she denied, he (the petitioner), with an intention to kill her, forcibly put *phenyl* in her mouth and even after that he kept shouting at her and pushed her on the floor and slapped her. After about ½ hour of the incident, when she started getting unconscious and froth started coming out of her mouth, the petitioner, instead of taking her to the hospital, called her brother-in-law and mother-in-law they came after approximately another ½ hour and after coming she was further hit by the brother-in-law and thereafter her father was called who took her to the hospital. It was further alleged in the FIR that since the complainant wanted to save her marriage, therefore, she went back to her husband's house on the asking of the husband. Thereafter, various incidents have been narrated. It was further the allegation in the FIR that on 18.05.2022 the entire family of her in-laws conspired and kicked her out of the house and they did not let her eat anything the entire day and fought with her and at night her brother-in-law slapped her and she fell down. Her husband (the petitioner herein) also beat up her. As a result of beatings given to her by her in-laws, she suffered various injuries on her body and thereafter she was forcibly put in a car and was thrown outside her parental house at

12.15 AM on 19.05.2022 with just a couple of clothes. The complainant remained admitted in hospital from 19.05.2022 to 22.05.2022. The FIR in the present case was lodged on 12.08.2022.

3. Learned counsel for the petitioner would contend that after the incident on 04.06.2021 the petitioner had taken the wife back to his house and thereafter they had also gone for a holiday. It is further the contention that there is a delay in lodging the FIR. Though the incident alleged is of 18.05.2022, however, the complaint itself was filed on 03.06.2022 and the FIR was registered on 12.08.2022.

4. Learned counsel for the State has referred to the status report by way of affidavit of Hardeep Singh, PPS, Deputy Superintendent of Police, Headquarters holding additional charge of PBI/Crime against Women & Children, District Patiala wherein it has been stated that on 04.06.2021 the petitioner had put *phenyl* in the mouth of the complainant and also gave her beatings. The complainant was admitted in Sahara Multi-speciality Hospital, Patiala wherein the complainant was taken with complaints of vomiting, altered sensorium and drowsiness and the doctor had noted that the family does not want to report the matter. Thereafter, the complainant had gone back to the house of the petitioner. However, on 18.05.2022 the petitioner and his family members gave beatings to the complainant demanding a house and money and at around mid-night, the petitioner and his family left the complainant outside her parental house. The complainant was once again admitted in Rajindra Hospital, Patiala and MLR dated 19.05.2022 revealed

four blunt injuries. Subsequently, the present FIR was lodged. It has further been pointed out by learned State counsel that on 27.08.2022, based on the medical record of the complainant, offences under Section 328 IPC were also added in the FIR. Learned State counsel has also filed the custody certificate and as per the custody certificate, the petitioner has been in custody for a period of 03 months and 06 days.

5. Heard.

6. In the present case serious allegations have been made against the petitioner. The medical record produced by learned State counsel obtained from Sahara Multi-specialty Hospital reveals that *prima facie* the allegations regarding the petitioner having put *phenyl* in the mouth of the complainant stand substantiated. Thereafter, again on 18.05.2022, the petitioner and his family members gave beatings to the complainant demanding a house and money and at around mid-night the petitioner and his family left the complainant outside her parental house. The complainant was once again admitted in Rajindra Hospital, Patiala and MLR dated 19.05.2022 revealed four blunt injuries. The complainant remained admitted till 22.05.2022.

7. In view of the above and keeping in view the serious allegations against the petitioner, this Court does not deem it to be a fit case to grant the concession of regular bail to the petitioner. Accordingly, the present petition is dismissed. Pending applications, if any, also stand disposed off.

8. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

31.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO