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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-32610-2022****Date of decision : 01.05.2023**

Vikas Sharma

..... Petitioner

V/S

State of Punjab and Another

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Sourabh Arora, Advocate for the petitioner.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

Mr. Sahil Goel, Advocate for respondent No. 2.

AMARJOT BHATTI J. (ORAL)

The petitioner- Vikas Sharma has filed anticipatory bail petition under Section 438 Cr.P.C. in FIR No. 103 dated 14.06.2022, under Section 498-A, 406 of IPC, registered at Police Station Women, District Police Commissionerate, Ludhiana.

The facts of the case are that the complainant – Kajal filed written complaint to the police against her husband Vikas Sharma and others alleging that her marriage was performed with Vikas Sharma on 14.01.2021. After marriage, she lived in the matrimonial home. She gave birth to a son on 23.11.2021. Unfortunately, the child was suffering from brain tumor. Her parents had performed marriage by giving dowry beyond their capacity. She was given istridhan articles, gold jewellery which were entrusted to all the accused named in the FIR with the understanding that they will handover her articles on reaching the matrimonial home. During her stay in the matrimonial

home, she was maltreated on account of bringing less dowry. They were expecting more dowry and costly items. The accused No. 1 started raising demand of Rs. 10 lacs to expand his business. He used to beat her. There was no change in his behaviour. She was being pressurized to fulfill their demands of dowry. Her husband used to consume liquor and gave her beating several times. In the meantime, her mother expired. The accused No. 1 did not provide any medical facility when she was pregnant. Rather, he used to beat her. Ultimately, she was turned out of the matrimonial home. With these allegations, the present FIR was registered.

Learned counsel for the petitioner argued that he has already joined the investigation and handed over the dowry articles to the police. The allegations levelled against him are false. He is still ready to join the investigation. Therefore, his anticipatory bail application may be allowed.

Bail application is opposed by learned counsel representing the State and learned counsel for respondent No. 2. It is pointed out that except gold ornaments and certificates of the victim, other articles are handed over to the police. The gold ornaments are yet to be recovered. There are specific serious allegations against the petitioner. He has never provided any maintenance to his wife or sick child. Therefore, he is not entitled to be released on anticipatory bail.

I have considered the arguments and have gone through the record carefully. The present petitioner was granted interim relief and his arrest was stayed vide order dated 10.08.2022. Learned counsel representing the State has placed on record copy of recovery memo dated 25.06.2022 vide which the dowry articles have been recovered. It is further pointed out that the gold

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ornaments are yet to be recovered. So far as gold ornaments or any other articles are concerned its entrustment and misappropriation is a matter of trial. He is still ready to join the investigation as and when required. Considering these facts, the anticipatory bail application filed by the petitioner – Vikas Sharma is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/ Investigating Officer, subject to the conditions enshrined under Section 438 (2) Cr.P.C.

The petition is accordingly accepted.

(AMARJOT BHATTI)
JUDGE

01.05.2023
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No