

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-36595-2022
Date of decision : 01.06.2023

Sandeep Kumar

..... Petitioner

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Amandeep Singh, Advocate for the petitioner.

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

Mr. B.S.Rathee, Advocate for the complainant-respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. The petitioner-Sandeep Kumar has filed the instant petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.133 dated 21.06.2022, under Sections 406, 498A of IPC, registered at Police Station Salem Tabri, District Ludhiana.

2. The facts of the case are that the complainant-Sandeep Kumari filed a written complaint against her husband and in-laws family alleging that her marriage was performed with Sandeep Kumar on 17.02.2019. Her parents had given dowry articles, gold ornaments, clothes, cash shagun etc. to her and her in-laws family as detailed in the FIR. The dowry articles given at the time of her marriage was her *Istridhan* which was not handed over to her. Her husband and in-laws family started raising demand for a fridge, AC and cash of Rs.5 Lacs. Her

parents were unable to satisfy this demand and for this reason, she was maltreated in the matrimonial home. Her sister-in-law Neelam Kumari interfered in her matrimonial life. She was turned out of the house by her husband by giving threat that he would take divorce from her and would remarry. During this period, she conceived and her in-laws family was insisting her to undergo sex determination test of the child to which she refused. During her stay in the matrimonial home, she was beaten up and turned out of the house. She gave birth to a daughter on 10.09.2020. Her husband and in-laws family were unhappy on the birth of the child. They started raising demand for cash of Rs.5 Lacs along with other articles. She has narrated various incidents when the demands were raised from time to time and she was maltreated in the matrimonial home. Ultimately, she filed this complaint on the basis of which the present FIR has been registered.

3. Learned counsel for the petitioner argued that he is falsely implicated in this case. The matrimonial dispute started due to their temperamental differences. She was pressurizing him to live separately. The petitioner tried to bring her back in the matrimonial home. All the allegations are false. He is ready to join the investigation, therefore his anticipatory bail application may be allowed.

4. The bail application is opposed by learned State counsel as well as counsel representing the complainant. Learned State counsel has filed status report, which is taken on record. As per the status report, the dowry articles, which is a case property in this case are yet to be recovered. On 22.08.2022, the petitioner alleged that he is ready and willing to return the dowry articles. He joined the investigation on 29.08.2022 but no dowry article was handed over to the police. He again joined the investigation on 19.01.2023 and again he did not hand

over any of the dowry article. The learned State counsel pointed out that he has failed to cooperate with the investigation of the case. The dowry articles are yet to be recovered, therefore he is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record carefully. The present petitioner was granted interim relief vide order dated 22.08.2022 with the direction to join the investigation. The aforesaid status report clearly indicates that he joined the investigation on 29.08.2022 and 19.01.2023 but not even a single dowry article was handed over to the police. The conduct of the present petitioner indicates that he has failed to cooperate with the investigating agency. The dowry articles detailed in the FIR are part of case property being *Istridhan* of the complainant. In case the petitioner is granted the relief of anticipatory bail, the investigation of the case will be adversely effected. Therefore, I do not find merits in the anticipatory bail application filed by the petitioner and the same is accordingly declined.

(AMARJOT BHATTI)
JUDGE

01.06.2023.
Sunil Devi

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