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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40279-2022 (O&M)

Date of Decision:- 20.01.2023

SACHIN ASSWANI

....Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Angel Walia, Advocate for the petitioner.

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

Mr. P.B.S. Goraya, Advocate for the respondent no. 2.

AMARJOT BHATTI, J. (Oral)

CRM-2287-2023

This is an application filed by the petitioner u/s 482 Cr.P.C. for placing on record copy of account statement (Annexure P-13).

For the reasons enumerated in the application, the same is allowed. Accompanied document (Annexure P-13) filed with the application is taken on record.

The application stands disposed of.

CRM-M-40279-2022

The petitioner – Sachin Asswani has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.16, dated 01.05.2022 under Sections 498-A, 406, 323 of IPC registered at Women Police Station, Amritsar.

The facts of the case are that Neha Asswani gave her written complaint to the police against her husband and in-laws family leveling the allegations of cruelty on account of demand of dowry. She alleged that she got married with Sachin Asswani on 17.04.2016. Her parents had performed marriage with great pomp and show by spending huge money. She has narrated the articles which were given to her at the time of shagun ceremony, marriage. Her parents had given household articles, gold jewellery and cash of Rs. 2,25,000/- to purchase furniture and other items. Her husband and in-laws family were unhappy with the dowry articles. They were expecting luxury car. They used to utter wrong comments for her parents. She was physically and mentally tortured during her stay in the matrimonial home. In 2017, she was harassed for not giving birth to a child. She was even beaten up. Her husband used to withdraw her entire salary from her account. She was treated like a servant. Thereafter, she conceived and gave birth to a daughter. Again she gave birth to second daughter. Her in-laws family was unhappy with the birth of daughters. Ultimately, on 01.02.2022, she was abused and beaten up. Her husband forcibly kept the younger child and she was turned out of the house with the elder daughter. She was medically examined from Civil Hospital, Amritsar and the matter was reported to the police.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. In fact, it was the complainant who did not want to live in the matrimonial home. She left the younger daughter with him and left the matrimonial home. She was never maltreated or beaten up in the matrimonial home. So far as transfer of money is concerned, that was transferred in the joint account from the account of complainant with her consent. Learned counsel for the petitioner has referred to the detail of

money transferred from the year 2017 to 2021 (Annexure P-13). He has also referred to the extracts of messages vide which the OTP was received and it was shared with the petitioner by the complainant herself. The petitioner is ready to join the investigation. It is prayed that his anticipatory bail application may be allowed.

The bail application is opposed by the counsel for respondent no. 2 as well as by the counsel representing the State. It is argued that the complainant/respondent no. 2 was physically and mentally tortured in the matrimonial home. Her entire salary was taken away by the husband by forcing her to transfer the money. She was even beaten up.

Learned counsel representing the State has also placed on record the MLR of Neha Sharma dated 01.02.2022 vide which she was medically examined and three injuries were found on her person. It is argued that dowry articles are yet to be recovered. The allegations of maltreatment, demand of dowry are specific and serious in nature. Therefore, the petitioner is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record carefully. The complainant/respondent no. 2 got married on 17.04.2016 and she lived in the matrimonial home till 01.02.2022. During this period, she gave birth to two daughters. She has leveled specific allegations for physical and mental harassment caused to her on account of their high demands and expectations. The petitioner has not denied the fact that the salary of complainant was being transferred in his account. As per his version, it was done with the consent of complainant. Apart from this, there is copy of MLR showing the medical examination of Neha Sharma on the day she was turned out of the matrimonial home. The dowry articles are yet to be recovered, which is a case property for the offence under

Section 406 of IPC. In case the petitioner is released on bail at this stage, the investigation of the case will be adversely effected.

Considering the specific allegations and the gravity of offence, I do not find a fit case for grant of anticipatory bail to the petitioner – Sachin Asswani and the same is, accordingly, declined.

20.01.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No