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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44379-2021

Date of Decision:- 25.04.2023

Sahil Bansal

...Petitioner

Vs.

State of Punjab and Anr

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Harshit Jain, Advocate for the petitioner.

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

Mr. Pranav Chamoli, Advocate for respondent No. 2.

AMARJOT BHATTI, J. (Oral)

The petitioner – Sahil Bansal has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 68 dated 25.09.2021, registered under Section 406, 498-A of IPC at Police Station Women, District Patiala.

As per the facts of the case, the complainant - Ankita Aggarwal filed written complaint against her husband Sahil Bansal and others levelling the allegations of maltreatment on account of demand of dowry. She alleged that she got married with Sahil Bansal on 31.05.2019. Her parents had given gold ornaments, household items, costly gifts by spending huge money of Rs. 55 lacs. Her parents had given Rs. 13 lacs in cash to purchase Verna car which is included in the aforesaid amount. Few days before the wedding, the petitioner had received Rs. 5,50,000/- as expenditure for the booking of hotel etc. Costly gifts were given even prior to the marriage. It was told that he belongs to a well-to-do family. After

marriage, she used to live in Tapa with her in-laws family. They were unhappy with the dowry articles. Her parents had given costly gifts on different occasions. Even then they were unhappy. Ultimately, it became impossible for her family to satisfy their demands. There was interference in her married life. Ultimately, they shifted to Patiala but there was no change in the behaviour of her husband and even there she was treated with cruelty. She has narrated various incidents of cruelty in the matrimonial home. Ultimately, she filed the complaint, on the basis of which the present FIR was registered.

Learned counsel for the petitioner argued that he is falsely implicated in this case. He tried his level best to adjust with the complainant. The gold ornaments are lying in a locker in State Bank of India at Patiala, which is joint with the complainant. He has not misappropriated any article. His anticipatory bail application was declined by learned Additional Sessions Judge, Patiala wrongly without proper appreciation of the facts. He is ready to abide by the terms of bail order. Therefore, his anticipatory bail application may be allowed.

Bail application is opposed by learned counsel for the respondent No. 2 as well as learned counsel representing the State. It is argued that the affidavits of both the parties were obtained regarding the articles lying in the locker. It is the complainant who is entitled to receive the gold ornaments lying in the said locker, whereas, the learned counsel for the petitioner opposed this argument. The learned State counsel also pointed out that the gold ornaments are yet to be recovered. Therefore, the petitioner is not entitled to the relief of anticipatory bail.

I have considered the arguments and have gone through the record. In the case in hand, the petitioner was granted *interim* bail vide

order dated 22.10.2021. The matter was referred to mediation but compromise could not be effected. It is not disputed that after marriage, the complainant and her husband had started living in Patiala. The only dispute is regarding the gold ornaments which are lying in the aforesaid locker in State Bank of India, Patiala. It is further not disputed that the locker is in the joint name of the petitioner as well as the complainant. So far as gold ornaments are concerned, those are lying safely in the joint locker of the parties. The claim of complainant or the petitioner regarding the said gold ornaments is matter of trial. As far now, the petitioner is not required for any other purpose. Therefore, the *ad interim* bail already granted in favour of petitioner – Sahil Bansal vide order dated 22.10.2021 stands confirmed, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is, accordingly, accepted.

25.04.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No