

CRM-M-41439-2022

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

216/2

CRM-M-41439-2022
Date of Decision:-18.05.2023

Avneet Singh Ghai

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

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

Mr. Kuldeep Singh, AAG, Punjab.

Mr. Akhil Kashyap, Advocate with
Ms. Simranjeet Kaur, Advocate
for the complainant.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 50 dated 12.08.2022, under Section 323, 406 , 498-A, 506 and 34 of the Indian Penal Code, 1860 (Section 328 of IPC added later on) at Police Station Women, District Patiala (Annexure P-1).

2. The present petition has a chequered history, whereby the petitioner initially agreed for Mediation and did not comply with the order dated 18.10.2022, whereby he was directed to pay a sum of Rs. 30,000/- by way of litigation and travelling expenses to the complainant. More so, as

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per the report of the Mediation Centre, the petitioner had tendered a written undertaking that he will comply with the order dated 18.10.2022, failing which he shall be liable for all the cost and consequences including violation of the Court. However, subsequent thereto also, the petitioner chose to remain away from the mediation proceedings and a fresh notice had also been served upon him. Despite the same, the petitioner chose to remain absent from the Mediation process continuously, thereafter, the complainant ultimately made a written request on 29.11.2022, to refer the matter back to the Court, as the petitioner was not coming forward. On 23.12.2022, the petitioner did appear before the Mediator, however, did not comply with the directions of the Hon'ble High Court regarding the payment of Rs.30,000/- towards litigation and travelling expenses and subsequently, the Mediator left with no other way, has sent the matter back. In the nutshell, the mediation has failed.

3. Coming to the merits of the case, learned counsel for the petitioner has vehemently argued that there are serious contradictions in the story propounded by the complainant in the FIR and it is highly improbable that a person who is alleged to have given phynoel to his wife, the complainant-wife still chose to stay with him for more than 1 year after the said incident. He further submits that there is an inordinate delay of 15 days in lodging the FIR from the last date of incident as alleged in the complaint/FIR. He further submits that the recovery of all the dowry articles has been effected.

4. *Per contra*, learned State counsel assisted by the counsel for the complainant has rebutted the averments made by the petitioner and

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submitted that the complainant had made all earnest efforts to save her matrimonial house but the petitioner is bent upon to harass and spoil the life of the complainant and in the said act, his mother is also paying an active role. Learned counsel for the complainant further submits that she is being harassed continuously for dowry and has been subjected to beatings and cruelty. As regards the recovery, learned State counsel submits that the partial recovery has been effected from the petitioner.

5. After hearing the learned counsel for the parties at length and considering the matter in its entirety, it has come out that the petitioner has not approached the Court with clean hands and is trying to play hide and seek with the Court and his conduct does not entitle him to discretionary relief of anticipatory bail and hence, the present petition is devoid of any merit and deserves to be dismissed. More so, there are serious allegations leveled against the petitioner which are to be looked into.

6. Accordingly, I do not find any merit in the present petition and the same is dismissed.

(ALOK JAIN)
JUDGE

May 18, 2023
Parul

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