

2023:PHHC:118042

103

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

CRM-M-40674-2023 (O&M)

Date of Decision : 06.09.2023

Jaspal Singh

....Petitioner

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

Mr. P.S. Dhaliwal, Advocate for respondent No.2.

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ALKA SARIN, J. (Oral)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0077 dated 22.09.2022 under Sections 406 and 498-A of the Indian Penal Code, 1860 (IPC) registered at Police Station Jodhan, District Ludhiana.

2. Learned counsel for the petitioner would contend that the petitioner is willing to cohabit with respondent No.2 and that false allegations qua dowry have been leveled. It is further the contention that respondent No.2 had left the company of the petitioner on her own accord and that she had taken all the dowry articles.

3. Mr. P.S. Dhaliwal, Advocate who has put in appearance on behalf of respondent No.2 has stated that the parties in the present case were married on 20.02.2021 and that there is no child born out of the wedlock. Since respondent No.2 was being harassed for dowry, the present FIR i.e. FIR No.0077 dated 22.09.2022 was registered under Sections 406, 498-A of the Indian Penal Code, 1860 (IPC) at Police Station Jodhan, District Ludhiana. After the registration of the FIR a compromise was entered into between the parties in the Month of October 2021 wherein it was agreed that an amount of Rs.7 lakhs would be paid as full and final settlement to the respondent-wife by the petitioner herein. An amount of Rs.3.5 lakhs was paid at the time of recording of first motion statements. On the basis of the settlement, a compromise quashing was also filed in this Court. However, the petitioner herein neither appeared to get his second motion statement recorded before the Family Court nor he appeared to get his statement recorded qua the compromise quashing. Learned counsel for respondent No.2 has categorically stated that he has instructions from respondent No.2 that she does not want to cohabit with the petitioner, however, even today she is willing to honour the compromise entered into between the parties in October 2022. It is further stated that none of the dowry articles have been returned till date.

4. Learned State counsel, on instructions from ASI Harpreet Singh, has stated that on three occasions notices under Section 41-A CrPC

were sent to the petitioner i.e on 25.06.2022, 29.06.2022 and 01.07.2022, however the petitioner failed to appear before the Investigating Officer.

5. I have heard the learned counsel for the parties.

6. In the present case the petitioner despite being served notices to appear before the Investigating Officer on 25.06.2022, 29.06.2022 and 01.07.2022, failed to appear before the concerned officer. The petitioner had also entered into a settlement with respondent No.2 and the statement of first motion in the petition under Section 13-B of the Hindu Marriage Act, 1955 was also recorded. However, the petitioner himself failed to appear for recording of the statement of second motion. A compromise quashing was also filed wherein also the petitioner himself failed to appear to get his statement recorded. Respondent No.2 even today is willing to honour the compromise that had been entered into between the parties. However, counsel for the petitioner has categorically stated that the petitioner does not want to honour the compromise entered into between the parties in October 2022. It has also been pointed out by the learned counsel for the State that none of the Istridhan articles have been returned till date. This Court put a specific query as to whether the petitioner, to show his bonafides that he is serious about settling the dispute, is willing to deposit some amount before the Registrar of this Court, the counsel for the petitioner sought a passover to get his instructions. When the matter was again taken up, the petitioner stuck to his stand of neither wanting to return the Istridhan articles nor wanted to honor the compromise nor was he willing to deposit any amount

to show his bonafides. He has also failed to join investigation despite three notices.

7. Keeping in view the conduct of the petitioner as well as the fact that neither the petitioner is willing to join investigation as and when called by the Investigating Officer nor he wants to honour the compromise entered into between the parties to the extent that he did not even go to get his statement recorded in the compromise quashing which was filed, the Court does not find this to be a fit case for interference and for grant of anticipatory bail. The petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

September 06, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO