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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50689-2022

Date of Decision:- 12.05.2023

Jayanth Janardhana Kurup

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Harish Mehla, Advocate for the petitioner.

Ms. Deepshikha Chauhan, Assistant A.G. Haryana.

Mr. Rishabh Gupta, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioner – Jayanth Janardhana Kurup has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 351 dated 04.09.2022, registered at Police Station Sector 14 Panchkula under Section 323, 377, 406, 498-A of I.P.C.

The facts of the case are that the complainant – Manisha Gupta got married with Jayanth Janardhana Kurup on 14.05.2007. They came in contact with each other through chatting platform. Their parents met each other and their marriage was ultimately fixed. Her parents had given dowry articles consisting of gold ornaments, clothes, costly gifts and other articles and had spent more than Rs. 18 lacs. After marriage, she went to her in-laws house in Kerala. All her gold ornaments were taken away by her in-laws. They were unhappy with the arrangements of marriage and the dowry articles given to her. After sometime, they shifted to a rented accommodation on a first floor in Bangalore. After few days, she noticed erratic behaviour of her husband. He used to get annoyed on petty issues and did not talk to her. She tried to please

him by behaving as per his desire but even then he was unhappy. She was not permitted to go out for shopping or talk to her friends and family members. She has narrated various incidents when he sexually assaulted her. During this period, she gave birth to a daughter on 15.09.2010. She stayed alone during this period and was not permitted to go to her parents house. The behaviour of her husband was not good when her brother and brother's wife visited them at Bangalore. The sister of her husband interfered in her married life. Her husband used to suspect her. He expected money from her family. Ultimately, they started a partnership firm but after some time, she was made to resign by taking her signatures by misrepresentation. Ultimately, in the year 2016, they started living separately. Her husband used to come off and on and most of the time he was angry. She started doing a job in a company. Ultimately, in the month of March 2020, she shifted to Panchkula near the house of her parents. She filed the present complaint, on the basis of which present FIR has been registered.

The learned counsel for the petitioner argued that there is a long delay in lodging the FIR. Prior to this, there was no complaint against the petitioner. The complainant has shifted alongwith her daughter to Panchkula without informing him. Earlier, he used to visit his daughter as per their own arrangement on weekends and during holidays. He has denied the allegations levelled by the petitioner. Infact, he has also filed a divorce case at Bangalore. In the year 2016, the complainant had started living separately, therefore, there is no question of recovery of dowry articles. He has already joined the investigation and is still ready to do so. Therefore, the *ad interim* bail already granted in his favour vide order dated 05.12.2022 may be confirmed.

On the other hand, learned counsel representing the State as well as learned counsel for the complainant pointed out that there are serious specific allegations against the petitioner and his family members. All her gold

ornaments were taken away by the mother of present petitioner which are yet to be recovered. She was ill treated in the matrimonial home. He never provided any maintenance to the complainant except the school fee which he paid for his daughter. Considering the gravity of offence, the petitioner is not entitled to the relief of anticipatory bail.

I have considered the arguments and have gone through the record carefully. There are certain facts which are admitted by the complainant as well as by the petitioner. The marriage of the complainant took place with the petitioner on 14.05.2007. They have a daughter who was born on 15.09.2010. In the year 2016, both husband and wife started living separately and in March 2022, the complainant alongwith her daughter shifted to Panchkula. The aforesaid facts clearly indicate that the complainant was already living separately and prior to this there was no complaint lodged by her at Bangalore. She has filed this complaint after shifting to Panchkula. The petitioner was granted *interim* bail vide order dated 05.12.2022. He is still ready to join the investigation as and when required. Therefore, no purpose would be served by sending the petitioner behind the bars. Considering these facts, the *ad interim* bail already granted in favour of petitioner – Jayanth Janardhana Kurup vide order dated 05.12.2022 stands confirmed, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petition is accordingly, accepted.

12.05.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No