

295

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59115-2022 (O&M)

Date of Decision:- 14.03.2023

GAGAN DEEP BANSAL

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Dr. Rau.P.S. Girwar, Advocate for the petitioner.

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

Mr. Aditya Sanghi, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

CRM-11172-2023

This is an application filed by the petitioner under Section 482 Cr.P.C. for placing on record additional documents i.e. Annexure P-15 to P-21 including receipt of daily need articles submitted to PS Mandi Dabwali.

For the reasons enumerated in the application, the same is allowed. Accompanied documents Annexure P-15 to P-21 including receipt of daily need articles submitted to PS Mandi Dabwali are taken on record.

CRM stands disposed of.

CRM-M-59115-2022

The petitioner – Gagan Deep Bansal has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0607 dated 23.11.2022, under Sections 323, 498-A, 506 of IPC (Section 406 of IPC added later on vide order dated 05.01.2023), registered at Police Station

City Mandi Dabwali, District Sirsa, Haryana.

The facts of the case are that the complainant Monika Bansal filed written complaint to SSP, Sirsa that she got married with Gagan Deep Bansal on 11.04.2010 according to Hindu Rites. The parents of complainant spent about 10 lacs rupees as per the demand of her in-laws. She has given the detail of gold ornaments, furniture items, electrical items, clothes, utensils etc given at the time of marriage. After marriage, she was harassed by her husband Gagan Deep Bansal. He raised objection that her father did not give a big car in dowry. He used to quarrel with her and treated her with physical and mental cruelty. In the month of May, 2011 and March, 2012, she was beaten up. She has also suffered miscarriage. A Panchayat was also convened. Gagan Deep Bansal accepted his mistake and assured that he will not harass the complainant. She again became pregnant in May-June, 2013. She was taken to her parental house where she gave birth to a son named Parv Bansal on 17.03.2014. Thereafter, she was sent back to her matrimonial home along with her child after giving customary gifts spending about Rs. 1 lac. He was again unhappy and insisted on his demand of a big car. He used to ill treat the complainant as well as both the children. She has narrated the incident of 30th September, 2022 at night time when she was beaten up by her husband and was rescued by daughter Garima Bansal and son Parv Bansal. He also used to beat the children. Garima Bansal was daughter of accused from his first marriage. Both the children are residing with her. Due to compelled circumstances, she shifted to her parental house. With these allegations, present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against him are false. No such incident ever took place. His wife

has filed a petition under Section 125 Cr.P.C. in which interim maintenance has been granted in their favour. The present petitioner is without job. He is having health issues. The offence under Section 406 of IPC was wrongly added in the FIR. His anticipatory bail application was wrongly declined by District and Sessions Judge, Sirsa vide order dated 09.12.2022, Annexure P-10. The complainant has procured false MLR in connivance with her brother Dr. Arun Kumar Garg and Dr. Maninder Pal Jain. He has already joined the investigation and handed over the dowry articles. Learned counsel for the petitioner has placed on record the articles which are packed and handed over through Sahil Cargo Service, which is Annexure P-17. He has even filed petition under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights. It is further pointed out that all the gold ornaments were lying in a locker which was lastly jointly operated by both of them. He is further ready to join the investigation. It is prayed that his anticipatory bail application may be allowed.

Bail application is opposed by learned counsel representing the complainant as well as learned counsel representing the State. It is argued that the petitioner has treated the complainant as well as both the children with cruelty. They were beaten up by the petitioner and for this reason, they were also medically examined. Some of the dowry articles are recovered but the gold ornaments are yet to be recovered. 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 documents on record show that there is a matrimonial dispute going on between the parties, as a result of which, various civil and criminal litigation has started. The complainant has filed petition under Section 125 Cr.P.C. whereas, the present petitioner/accused

has filed petition under Section 9 of the Hindu Marriage Act. The present FIR has been registered on the complaint of wife. During the pendency of present bail application, the petitioner joined the investigation. It is conceded that he has handed over his Passport to the police. He has also handed over the dowry articles. Regarding the recovery of gold ornaments, the petitioner has placed on record one inventory - Annexure P-14, according to which the locker was jointly operated by Gagan Deep Bansal and Monika Bansal on 10.08.2022 and inventory was also prepared regarding the dowry articles which were lying therein. The other litigation will be decided on its own merits. So far as the present FIR is concerned, the petitioner has joined the investigation and also handed over the dowry articles. No purpose would be served by keeping him behind the bars. He is still ready to join the investigation. Therefore, considering these facts, the anticipatory bail application filed by the petitioner – Gagan Deep Bansal is allowed. He be not arrested. In case of his arrest, he be granted bail to the satisfaction of Investigating Officer/Arrest Officer, subject to the conditions as detailed under Section 438(2) Cr.P.C.

14.03.2023

*lalit***(AMARJOT BHATTI)**
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No