

CRM-M-60470-2022**103****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-60470-2022**

Date of Decision:- 12.04.2023

Davinder Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTIPresent:- Mr. G.C. Dhuriwala, Advocate
for the petitioner.

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

AMARJOT BHATTI, J. (Oral)

The petitioner – Davinder Kumar has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.91 dated 21.10.2022 under Section 406, 498-A of IPC, registered at Police Station Nayagaon, District Mohali.

The facts of the case are that the complainant filed written complaint to SSP, SAS Nagar against her husband Davinder Kumar by alleging that she got married with Davinder Kumar on 19.10.2020. After marriage, she was beaten up by her husband. She was given clothes and ornaments at the time of marriage, however, she was taunted by her husband and mother-in-law for bringing less dowry. She continued to live with her husband despite beatings given to her. The complaint was also filed before Women Cell and with the intervention of respectables, the matter was compromised and she was taken back in the matrimonial home.

He repeated his earlier behaviour and started raising demand of ₹2,00,000/-. On 29.03.2021, when she was on family way, her husband gave beating to her and she was turned out of the house. She tried to contact her mother-in-law who refused to talk to her. Her entire family was insulted. With these allegations, present FIR has been registered.

Learned counsel for the petitioner argued that all the allegations levelled against the petitioner are false. The learned Additional Sessions Judge vide order dated 24.11.2022 Annexure P-1 granted interim bail on the basis of aforesaid facts mentioned in the FIR. However, subsequently dismissed the anticipatory bail application vide order dated 13.12.2022, which is Annexure P-2. It is pointed out that the learned Additional Sessions Judge could have not declined the anticipatory bail application once the interim relief was granted. It is argued that the allegations levelled against the petitioner are false. He will abide by the terms of bail order. It is prayed that his anticipatory bail application may be allowed.

The detailed status report is filed by the learned counsel representing the State. It is argued that earlier FIR No. 163 dated 17.10.2019, under Section 376, 313, 120-B of IPC was registered at Police Station Mataur on the statement of complainant. However, the matter was compromised as they solemnized marriage on 19.10.2020. After marriage, she was again ill treated in the matrimonial home and all efforts to settle the complainant in the matrimonial home failed. During the course of investigation, notice was sent to the petitioner to join the investigation. The list of dowry articles was taken on record. However, the petitioner did not join the investigation despite summons and when he was contacted on phone, he misbehaved with the Investigating Officer and threatened to kill him. Regarding this fact, DDR No. 16 dated 28.10.2022 was registered at

Police Station Naya Gaon. It is argued that neither the petitioner had joined the investigation nor the dowry articles have been recovered. Therefore, he is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record carefully. It is rightly pointed out by learned counsel for the petitioner that initially the learned Additional Sessions Judge vide order dated 24.11.2022 Annexure P-1 granted interim bail to the petitioner. However, on merits, the anticipatory bail application was declined vide order dated 13.12.2022 (Annexure P-2). It was specifically mentioned that he did not cooperate with the investigating agency despite granted the relief of interim bail. Rather when he was called to join the investigation, he misbehaved with the Investigating Officer. This fact is also confirmed in the status report filed by learned counsel representing the State and it is further mentioned that regarding the misbehavior one DDR No. 16 dated 28.10.2022 has been registered at Police Station Naya Gaon. The very purpose of interim bail was to give opportunity to the petitioner to cooperate with the investigating agency, however, the petitioner misbehaved and did not cooperate with the investigating agency nor any dowry articles have been recovered. There are specific allegations of maltreatment on account of demand of dowry against the present petitioner. The status report further indicates that earlier on the statement of complainant, one FIR No. 163 dated 17.10.2019, under Section 376, 313, 120-B of IPC was registered at Police Station Mataur but it was compromised as the parties got married on 19.10.2020. Even after marriage, the petitioner ill treated his wife and was turned out of the matrimonial home. Considering the aforesaid facts, I do not find a fit case for grant of anticipatory bail to the petitioner – Davinder Kumar and the

same is accordingly, declined.

12.04.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No