

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

CRM-M-15306-2023

DATE OF DECISION : 07.03.2024

AJAY KUMAR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. M.K.Dhot, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Amit Kumar Walia, Advocate for the complainant.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case bearing FIR No. 13 dated 23.01.2023, under Sections 323, 354, 506, 498-A and 34 of IPC, registered at Police Station, City Sangrur, District Sangrur.

2. The allegations against the petitioner are that on 19.09.2021 petitioner got married to the complainant and out of the wedlock one child was also born. On 21.01.2023, the petitioner gave swear beatings to the complainant in the midnight under the influence of liquor. She was even pulled from her hair by her mother-in-law and has also been physically assaulted by her father-in-law who was also under the influence of liquor.

3. It is further in allegation that the petitioner gave kick blows to the complainant at her urinal place and said that she is a beggar and her parents have not given anything to her in dowry and even motor-cycle has

not been given.

4. Learned counsel for the petitioner contends that there is no dispute between the parties. The marriage of the petitioner was solemnized with the complainant on 19.09.2021. On the intervening night of 21/22.01.2023, the complainant wanted to leave her matrimonial home along with the minor child. However, the petitioner attempted to stop her and a scuffle took place between them. There was no intention on the part of the petitioner, however, some minor injury has been caused to the complainant.

5. Learned State counsel assisted by learned counsel for the complainant has opposed the bail application. Learned State counsel has placed on record copy of the medico-legal report of the complainant dated 23.01.2023.

6. I have considered the aforesaid contentions.

7. The petitioner showed his intention to reconcile the matter. As such, the matter was referred to the Mediation and Conciliation Center of this Court. As per the order dated 27.03.2023, the petitioner was granted the interim protection. As per the report of the Mediation and Conciliation Center, the petitioner has only appeared once before the said Centre and he did not pay even the cost of Rs.22,000/- as cost of litigation in compliance of the order dated 03.05.2023. Thereafter, the petitioner did not appear before the Mediation and Conciliation Center despite various adjournments whereas the complainant had been appearing before the said Centre. Ultimately, the matter was sent back to the Court as unsettled. The conduct of the petitioner clearly shows that he has not made any genuine efforts for reconciliation by way of appearing before the Mediation and Conciliation Center. As per the medico-legal report, there is an injury on the private parts

of the complainant. The said injury is not possible in a scuffle. As per the medico-legal report, following injury was found on the person of the complainant:-

Location of injury	Injury details	Marked	Injury number
Others	A tear of around 1 cm in length seen in lower side of vagina near fourchette.	Yes	1

8. Learned counsel for the complainant has also informed that the petitioner had filed a divorce petition and he is not ready to rehabilitate the complainant.
9. In view of the conduct of the petitioner that he has not made any efforts for rehabilitation of the complainant-wife and his minor child and considering the fact that there is a *prima facie* allegation of sexual assault to the wife, it is not a fit case for granting the concession of anticipatory bail to the petitioner.
10. Accordingly, the present petition stands dismissed and the interim order dated 27.03.2023 stands vacated.

07.03.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No