



Sr. No.209

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

**CRM-M-26487-2024 (O&M)
Date of decision: 16th December 2024**

ARUN RANAPetitioner

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Mohit Thakur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. D.S. Saini, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant first petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.26 dated 05.03.2024, under Sections 406, 498-A IPC, registered at Police Station Women Cell, District SAS Nagar, Mohali (Annexure P-1).
2. Learned counsel for the petitioner contends that after the solemnization of the marriage of the petitioner with the complainant on 08.10.2009, the behaviour of the complainant was not proper. Even the complainant pressurized the petitioner to live separately from his family members. Both the petitioner and the complainant were working, as such, the said demand of the complainant was not accepted by the petitioner. It is further contended that the complainant and her father visited the residence of the petitioner and took away all her belongings including the clothes,



jewellery, educational certificates. Thereafter, a false complaint was lodged with the Police upon which, the present FIR has been registered. The false allegations have been levelled after 15 years of the marriage. The petitioner has joined investigation in compliance with the order dated 23.05.2024.

3. Learned State counsel has filed status report dated 16.12.2024, by way of an affidavit of Sh. Ajitpal Singh, PPS, Deputy Superintendent of Police, Crime against Women and Children, SAS Nagar, on behalf of respondent-State, which is taken on record.

3.1 Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. However, this fact has been confirmed that the petitioner has joined investigation on 05.11.2024 and recovery of some dowry articles was effected from him, as per DDR No.21 dated 05.11.2024 (Annexure R-2/T). However, it is submitted that many dowry articles are yet to be recovered. The Investigating Officer had called the petitioner again but he did not come present, as such, the petitioner has not cooperated with the Investigating Agency.

4. I have heard the learned counsel for the parties and perused the paper book.

5. As per the allegations in the FIR (Annexure P-1), after the solemnization of the marriage of the petitioner and the complainant on 08.10.2009, the petitioner-husband is alleged to have physically and mentally harassed the complainant-wife. There are allegations of harassment on account of bringing insufficient dowry articles. There are allegations of physical violence as well.



6. It is not a disputed fact that a son and a daughter were born out of the wedlock. There are specific allegations that on 30.07.2023, the petitioner is alleged to have slapped the complainant. On the next day i.e. on 31.07.2023, the petitioner is again alleged to have beaten up the complainant in front of her children. The matter was reported to the Police and the complainant is alleged to have been admitted to Government Hospital, Kharar.

7. Learned State counsel has produced the medico-legal examination report of the complainant-Mamta dated 01.08.2023, which is taken on record. As per the said report, following injuries have been noticed on the person of the complainant:-

Sr. No.	Injuries	Marked	Injury Number
1.	C/O Pain in occipital area of head. No external injury mark seen.	No	1
2.	C/O Pain in right shoulder and painful movements. Adv X-Ray right shoulder AP/Lateral view and ortho opinion.	No	4
3.	C/O Pain in right hand, restricted movements. Adv X-Ray right hand with wrist AP/Lateral view and ortho opinion.	No	2
4.	C/O Pain in right forearm. No external injury mark seen.	No	3
5.	C/O Pain in lower back, no external injury mark seek. Adv Ortho opinion	No	5

8. The history of assault given by the complainant is recorded in the said medico-legal examination report.

9. Though there are allegations that the petitioner and his family members have not returned the dowry articles, however, there are detailed allegations with regard to the physical and mental harassment of the complainant. The petitioner wanted to amicably settle the dispute, as such, the matter was referred to the Mediation and Conciliation Centre of this



10. As per the order dated 04.11.2024, learned counsel for the petitioner submitted that he would return back the dowry articles failing which, he would tender a demand draft amounting to ₹5,00,000/- in favour of the Registrar General of this Court, as such, the interim order was continued.

11. However, as per the status report filed on behalf of the State, the petitioner had appeared before the Investigating Officer on 05.11.2024 and got effected the recovery of some dowry articles. He was again called by the Investigating Officer for returning the remaining dowry articles. However, he did not come present and in this regard, DDR No.21 dated 05.11.2024 was registered in the Police Station (Annexure R-2/T).

12. The petitioner has not even tendered the demand draft amounting to ₹5,00,000/- in favour of the Registrar General of this Court, in view of the undertaking given by him in the order dated 04.11.2024.

13. Keeping in view the totality of the aforesaid facts and circumstances and especially in view of the allegations of physical violence at the hands of the petitioner, no ground is made out for grant of anticipatory bail to the petitioner.

14. Consequently, the present petition stands dismissed.

15. Interim order dated 23.05.2024 stands vacated.

16. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

16th December 2024
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