



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-29472-2024
Date of Decision: 12.06.2024

Abhishek Sharma

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhishek Sharma, Advocate and
Mr. Sholab Arora, Advocate for the petitioner.

Mr. Jaspal Singh Guru, Assistant Advocate General, Punjab.

Mr. Aayush Gupta, Advocate for the complainant.

Sandeep Moudgil, J.(Oral)

1. The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.36, dated 11.05.2024, under Sections 406 and 498-A of IPC, 1860, registered at Police Station Women, Ludhiana.

2. Learned counsel for the petitioner would contend that the instant FIR is a pressure tactic on behalf of the complainant/wife, which has no iota of truth in it, since from the very date of marriage which was solemnized on 07.12.2020, till the baby girl was born on 25.06.2022. It was a happy marriage during which both the parties to the marriage and to the present *lis* have been travelling making trips to various places as has been detailed herein below:

“(i) In January 2021, the *cmplainant* and the *petitioner* went



for their honeymoon to Mussoorie for about 4-5 days. Needless to say, all the expenditure was borne by the petitioner.

- (ii) Since the complainant wanted to celebrate their first Valentine's Day in a special manner and expressed her wish that she did not want to celebrate the same in Ludhiana, the petitioner arranged a trip and they went to Kasauli on 14th February 2021. Needless to say, all the expenditure was borne by the petitioner.*
- (iii) In July 2021, the petitioner planned to surprise the complainant, and hence, took her to Mcleodganj, Dharamshala and Palampur for about 4 days. Needless to say, all the expenditure was borne by the petitioner.*
- (iv) Towards the end of August 2021, the complainant told the petitioner that she wanted to get away from Ludhiana for a few days. In order to fulfill her wish, in September 2021, the petitioner took her to Shimla and Kufri for about 4 days. Needless to say, all the expenditure was borne by the petitioner.*
- (v) Besides the aforementioned trips and travels, the petitioner used to take the complainant to a new restaurant or cafe on every weekend.”*

3. Learned counsel for the petitioner further argues that in fact it was change in the behaviour of complainant/wife after the couple was blessed with a baby girl making certain unreasonable demands while putting undue pressure on the petitioner to live separate from the parents, especially the mother. He has further asserted that the pressure created on the petitioner by complainant/wife to leave his mother in itself is an act of cruelty but lodging of instant FIR by her is a clever device, abusing the process of law and the provisions of Sections 406 and 498-A of IPC.



4. Learned State counsel as well as learned counsel for the complainant pray for dismissal of the instant petition as pressing upon the custodial interrogation of the petitioner/husband on account of *Istridhan*, which is yet to be recovered, as has been alleged by the complainant/wife, as per the list given to the Investigating Officer by her, which is also attached to the present petition at page No.35.

5. This Court without adverting to the further merits and demerits, if any, in the FIR in question, is of the considered opinion and deemed it appropriate for holding that it is not the case of custodial interrogation, particularly for recovery of any *Istridhan* whatsoever, for which the allegations made in the FIR, are yet to be established by leading evidence during the course of trial proceedings. This Court cannot ignore the fact that from the pleadings and submissions made on behalf of the petitioner supported duly by various documents including the photographs of tour and travelling enjoyed by the couple during the period 07.12.2020 till June 2022, which depict that the couple *prima facie* seems to be happy with each other and the baby girl is also accompanying them in one of the trip organized by the present petitioner alone. The family pictures on record also give a rosy picture of the family bond wherein the mother of the petitioner seems to be happy enjoying during the cake ceremony on birthday of the complainant alone and in that situation, it is hard to believe that after almost four years of marriage, now the demand of dowry has been raised. However, without commenting further on the merits of the case, the dispute may be there between the parties to the present *lis* but case of custodial interrogation is not



made out at all.

6. In the light of above, the petitioner is directed to be released on anticipatory bail, subject to his joining investigation within a period of one week from today along with furnishing personal surety and security bonds to the satisfaction of the Investigation Officer.

7. In case the aforesaid directions i.e. joining the investigation within a period of one week from today, is not adhered to, the relief granted by the present order shall automatically deemed cancelled.

8. Petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

12.06.2024
Varinder Prashad

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