



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

295

CRM-M No.34855 of 2022
Date of decision: 15.05.2024

Kamaldeep Bansal

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lalit Singla, Advocate,
for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

Mr. S.S. Grewal, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The present petition under Section 438 of Code of Criminal Procedure has been filed by the petitioner seeking anticipatory bail in case FIR No.0029 dated 02.04.2022 registered under Sections 498-A, 406 and 120-B of IPC at Police Station City Dhuri, District Sangrur.
2. The facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was lodged on the basis of complaint lodged by the respondent No.2-Richa Rani alleging therein that she was married with the present petitioner on 27.11.2013. Huge amount of

2024:PHHC:068976



money was spent in her marriage but shortly thereafter, the petitioner and other members of her in-laws family started harassing her on account of demand of dowry and due to insufficiency of the dowry so bought by her. Her husband used to extend beatings to her and was also maintaining illicit relationships. He used to compel her to indulge in unnatural acts of carnal intercourse against the order of nature. He also used to shoot objectionable videos and captured her objectionable photographs which he used to show to his friends. She was extended beatings and thrown out of her matrimonial house by him on 09.09.2020 and had come to take her back on 10.10.2020 but her harassment had been continued. It was further alleged by her that she had moved several complaints before the police but was not given any opportunity of hearing by the police authorities. A case under Section 406 and 498-A read with Section 120-B of IPC was registered. Investigation proceedings have been initiated and are underway. The petitioner had moved an application for grant of bail before the Court of learned Additional Sessions Judge, Sangrur which had been dismissed vide order dated 29.07.2022.

3. The present petition had been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. Both the petitioner and the respondent No.2 are Government employees. The respondent No.2 had left the company of the petitioner at her own accord even without informing him and a complaint for finding her whereabouts had been filed by him. He always



wanted the respondent No.2 to be stay with him but it was she who was not willing to accompany him. False and frivolous allegations had been levelled against him. The ingredients for commission of offences punishable under Sections 498-A and 406 of IPC have not been made out either against the petitioner or his family members. He has joined the investigation. His custodial interrogation is not at all required. He had given list of some articles lying with him to the Investigating Officer but the respondent No.2 herself has not been ready to receive the same. No gold ornaments belonging to respondent No.2 are in his custody as the same have been taken by her while leaving her matrimonial house. Therefore, it is urged that the petition deserves to be allowed.

4. It will not be out of place to mention here that vide order dated 19.03.2024, the petitioner was directed to join the investigation and as per the report submitted by respondent No.1-State, he joined the same on 31.03.2024. Recovery of gold articles was to be effected from him but the same had not been effected.

5. Learned State counsel assisted by learned counsel for respondent No.2 has vehemently argued that though the petitioner has joined the investigation but keeping in view the gravity of the allegations as levelled against him, he does not deserve to be extended benefit of pre arrest bail and, therefore, urged that the petition is liable to be dismissed.

6. I have heard learned counsel for both the sides and have gone through the record.

2024:PHHC:068976



7. As per the allegations in the FIR, the petitioner along with his family members subjected the respondent No.2 to cruelty and harassment on account of demand of dowry and raised demand of the same and that he used to force her to commit acts of carnal intercourse against the order of nature. Though there are allegations of the respondent No.2 being harassed on account of demand of dowry by her in-laws including the petitioner but which particular member of her in-laws family subjected her to cruelty and by raising what particular demand, has neither been mentioned in the FIR nor learned counsel for respondent No.2 point out the same. As such, the allegations against the petitioner qua demand of dowry and consequent harassment of the respondent No.2 are prima facie appear to be based on vague and omnibus and non-specific allegations. The petitioner has already joined the investigation. Non-recovery of dowry articles cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '**Jagdish Thakkar vs. State of Delhi**', 1992 (3) CCR 2764' and '**Pooran Singh vs. State of Delhi**', 2022(1) RCR (Criminal) 503. Custodial interrogation of the petitioner is not required. No useful purpose will be served by detaining him in custody.

8. In view of the said facts, the present petition is allowed and the order dated 19.03.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

2024:PHHC:068976



9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

15.05.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No