

**Sr. No.212****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-52408-2023****Date of decision: 12th August 2024****ABHINAV SINGLA****.....Petitioner****versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
assisted by ASI Gurmeet Singh.

Mr. P.K.S. Phoolka, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.18 dated 16.03.2023, under Sections 406, 498-A IPC, 1860, registered at Police Station Women, District Bathinda (Annexure P-1).

2. On 11.12.2023, following order was passed:-

“xxx xxx xxx xxx

CRM-50637-2023

The present application has been filed seeking grant of interim relief to the petitioner on the ground that the next date of hearing i.e. 30.01.2024 is too long and in case the petitioner is arrested, it would render the petition infructuous.

For the reasons mentioned in the application, the same is allowed.

The main case is taken on Board today.



Main case

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.18 dated 16.03.2023 under Sections 406, 498-A IPC registered at Women Police Station, District Bathinda.

Learned counsel for the petitioner submits that in the present FIR, which has been registered under Sections 406, 498-A IPC, the complainant-wife has made general allegations of demand of dowry and cruelty. He contends that the marriage of the complainant and petitioner was solemnized on 03.07.2017 and no dowry was taken at that time. The complainant has also filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, in which conditional warrants of the petitioner were issued. However, the said order has been stayed by the Coordinate Bench of this Court vide order dated 03.10.2023 (Annexure P-2) subject to payment of Rs.1 lakh to the complainant-wife. He further submits that the said amount has been paid.

Learned State counsel opposes the bail petition and has submitted that as per the FIR, the complainant as well as her minor child were thrown out of the matrimonial home for bringing less dowry. There are specific allegations in the FIR that a sum of Rs.30 lakhs was spent on the marriage and 25 tolas of gold along with other articles were also given to the petitioner and his family members at the time of marriage. However, few dates after the marriage, the petitioner started harassing the complainant for bringing less dowry.

As per the contents of the FIR, the complainant has requested that she along with her minor daughter be rehabilitated with her in-laws and there appears to be chances of settlement.

Adjourned to 15.4.2024.

In the meantime, both the parties shall appear before the Mediator of the Mediation and Conciliation Centre of this Court on 05.01.2024, subject to payment of Rs.1 lakh as costs of litigation expenses, out of which Rs.50,000/- shall be deposited by way of a demand draft and remaining Rs.50,000/- shall be deposited in the name of minor child by way of demand draft to Registrar (Judicial) of this Court, within a period of two weeks from



today, which shall be handed over to respondent No.2 by the learned Mediator, upon her appearance before the Mediation Centre.

The learned Mediator would send her/his report by the next date of hearing.

Till then arrest of the petitioner shall remain stayed subject to compliance of the aforesaid conditions.

xxx xxx xxx xxx”

- 3. Learned counsel for the petitioners contends that the petitioner is unable to pay the cost of litigation in terms of the aforesaid order dated 11.12.2023.
- 4. Learned State counsel has informed that though the petitioner has joined investigation, however, recovery is yet to be effected from him.
- 5. I have considered the aforesaid contentions and perused the paper book.
- 6. There are specific allegations in the FIR that a sum of Rs.30,00,000/- was spent in the marriage and other articles were also given to the family members of the petitioner at the time of marriage. The minor child is in the custody of the complainant. The petitioner has not complied with the terms and conditions of the order dated 11.12.2023.
- 7. Consequently, the present petition is dismissed. Interim order dated 11.12.2023 stands vacated.
- 8. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th August 2024
simran

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