

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

CRM-M-53180-2022 (O&M)
Reserved on: 03rd September 2024
Date of decision: 22nd November 2024

SAMEER BHATIA

.....Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. M.S. Sachdev, Advocate
for respondent No.2 (through VC).

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*), for grant of anticipatory bail to the petitioner in case FIR No.87 dated 24.09.2022, under Sections 406, 498-A IPC, 1860, registered at Police Station Women, Police Commissionerate Jalandhar (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner is ready and willing to amicably settle the matrimonial dispute with his wife-respondent No.2. The marriage between the parties was solemnized on 07.12.2020. It is contended that the present FIR was registered with an ulterior motive without verifying the authenticity of the allegations. Respondent No.2-wife has levelled vague and baseless allegations just to harass and humiliate the petitioner. The petitioner is practicing as an Advocate in District Court,

Jalandhar. His parents are also financially and professionally settled and there is no question of raising any demand of dowry.

2.1 It is further contended that the petitioner has already joined the investigation in compliance of the order dated 17.11.2022, passed by this Court. The articles which were given to the petitioner at the time of marriage have also been returned to respondent No.2. However, it is contended that the gold ornaments, which were handed over to respondent No.2-wife by the parents of the petitioner, are still lying with her. The photographs (Annexure P-4) reflect that the parents and the relatives of the petitioner had given sufficient gold ornaments to respondent No.2 at the time of marriage. It is further contended that the marriage was solemnized on 07.12.2020 during the COVID period and there were restrictions with respect to the social gathering.

3. On the other hand, the 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 26.12.2022.

4. Referring to the status report dated 07.01.2023, filed by way of an affidavit of Ms. Khushbir Kaur, PPS, Assistant Commissioner of Police, CAW & Children, Jalandhar, it is contended that recovery of some articles including gold ornaments has been effected, which are detailed in the list annexed with the status report. However, it is contended that some of the articles are not yet recovered from the petitioner, which are also detailed in the said list.

5. Learned counsel for respondent No.2-complainant has also opposed the present petition on the ground of gravity of allegations levelled

against the petitioner.

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

7. As per the allegations against the petitioner, he has subjected the respondent No.2 to cruelty after solemnization of the marriage. Respondent No.2-wife has alleged in the FIR (Annexure P-1) that she is a Company Secretary by profession and she is working and earning salary. The petitioner had been directing respondent No.2 to pay a sum of ₹10,000/- per month to him out of her salary. It is also alleged in the FIR that the marriage was not consummated and the petitioner told respondent No.2 on the very first day that he has performed marriage with her under the pressure of his family. It is further alleged that even subsequently, the marriage was never consummated due to the act and conduct of the petitioner and the petitioner was not happy with the matrimonial alliance.

8. On the other hand, it is contended on behalf of the petitioner that respondent No.2 had nurtured intense dislike, hate and enmity against the petitioner collectively, owing to the fact that the marriage was solemnized against her wishes. It is further contended that the present FIR has been lodged just to bring disrepute and dishonour to the family of the petitioner. The contentions to this regard have been raised in the reply (Annexure P-2), which is stated to have been submitted by the petitioner during the inquiry, prior to the registration of the FIR.

9. On the request of both the parties, who appeared in person on 01.03.2024, the matter was referred to mediation, however, the mediation proceedings failed.
10. The allegations of respondent No.2 and the counter-allegations levelled by the petitioner, are a matter of trial. The allegations regarding cruelty and demand of dowry would also be adjudicated upon during the trial. Some recovery has already been effected from the petitioner. In such circumstances, no purpose would be served by sending the petitioner to custody.
11. Consequently, the present petition is allowed. The interim order dated 17.11.2022, passed by this Court, is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.
12. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
13. Liberty is reserved in favour of the State/complainant to move for cancellation/recalling of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.
14. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd November 2024
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>