



114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50850-2024 (O&M)
Date of Decision: October 09, 2024

ARUN SHARMA

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Malkiat Singh, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

1. **Relief Sought**

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.74 dated 25.09.2024 under Sections 406, 498-A of IPC, registered at Police Station PS Women, District Ludhiana.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

'First Information Contents: at this time it is recorded that application no. PGD No. 213179 complaint no. 210216 dated 09.08.2023 from Ashu Sharma d/o Sh. Rajinder Sharma r/o H.No. 285, Gali no.7, Dashmesh Nagar, Ludhiana for registration of case through post from the office of Police Commissioner, Ludhiana & its contents are as under: To The Hon'ble Commissioner, Ludhiana. Subject: Application against 1) Arun Sharma s/o Rajender Sharma (Husband) 2) Rajinder Sharma s/o Amarnath (Father in law) 3) Pritam Kaur w/o Rajinder Sharma (Mother in law) 4) Satinder



Sharma s/o Rajinder Sharma (Brother in law) 5) Manthan Sharma s/o Rajinder Sharma (Brother in law) r/o 535, Ward No.7, Bathinda Road, Guru Nanak Nagri, Jaito, Faridkot 6) Neelam Sharma, regarding beating the applicant for demand of dowry, taunting her for bringing less dowry, misappropriating dowry & itridhan, throwing out from house in three clothes with intention to kill. For registration of case against above mentioned & imparting justice. Sir, the applicant Ashu Sharma age 26 years w/o Arun Sharma d/o Rajinder Sharma r/o h. No. 535 Ward No. 7, Bathinda Road, Guru Nanak Nagar, PC Jaito, Faridkot presently r/o 285, Gali No.7, Dashmesh Nagar, Gill Road, Ludhiana, requests as

under. That my marriage was solemnized on 23.10.2020 with Arun Sharma s/o Rajinder Sharma r/o Faridkot, as per Hindu rites & ceremonies with great pomp & show at Harud Milazo, Gill Road, Ludhiana as per demand of my husband & father in law, by my parents beyond their financial capacity. At the time of marriage, on the demand of my husband & father in law, one gold chain, ring, watch, Rs. 1.51 lakhs cash was given to my husband. On the demand of father in law Rajinder Sharma one gold ring, Rs.11,000/-, two suits one blanket & other costly gifts were given. One gold ear rings, one ring Rs. 11,000/- & other costly gifts were given to my mother in law. One ring, Rs.5100/- one blanket was given to mama-saura, one gold earrings, one ring & Rs.2100/- & two suits were given to grandmother of my husband. Rs.2100/- & 2 suits & other costly gifts were given each to brother in law Manthan Sharma & Satinder Sharma. On the demand of in laws family, 11 Milni were done by giving blanket & Rs. 500/- & other expensive gifts. At the time of marriage, arrangement of good food for 250 people was done by my father & family members & money was spent. At the time of marriage, in my istridhan one gold set, one gold ring, gold anklets, 21 suits & 51



ladies/gents suits for relatives were given. In this way almost 10 to 12 lakhs were spent by my parents on the demand of my in laws family. At the No.7, Dashmesh Nagar, Gill Road, Ludhiana, requests as under. That my marriage was solemnized on 23.10.2020 with Arun Sharma s/o Rajinder Sharma r/o Faridkot, as per Hindu rites & ceremonies with great pomp & show at Harud Milazo, Gill Road, Ludhiana as per demand of my husband & father in law, by my parents beyond their financial capacity. At the time of marriage, on the demand of my husband & father in law, one gold chain, ring, watch, Rs. 1.51 lakhs cash was given to my husband. On the demand of father in law Rajinder Sharma one gold ring, Rs.11,000/-, two suits one blanket & other costly gifts were given. One gold ear rings, one ring Rs. 11,000/- & other costly gifts were given to my mother in law. One ring, Rs.5100/- one blanket was given to mama-saura, one gold earrings, one ring & Rs.2100/- & two suits were given to grandmother of my husband. Rs.2100/- & 2 suits & other costly gifts were given each to brother in law Manthan Sharma & Satinder Sharma. On the demand of in laws family, 11 Milni were done by giving blanket & Rs. 500/- & other expensive gifts. At the time of marriage, arrangement of good food for 250 people was done by my father & family members & money was spent. At the time of marriage, in my istridhan one gold set, one gold ring, gold anklets, 21 suits & 51 ladies/gents suits for relatives were given. In this way almost 10 to 12 lakhs were spent by my parents on the demand of my in laws family. At the time of marriage, my parents & family in the presence of our relatives handed over my above istridhan to my mother & father in law as trust and said that when I will demand the same at my in law house, the same will be handed over to me, but after marriage my mother in law & father in law forcibly took into possession my gold istridhan and didn't hand over to me. After marriage I along with my husband



started residing at my in laws house. After some days my husband & in laws family, started taunting me for bringing less dowry. They started demanding dowry in cash. I requested them that my parents have already spent more than their capacity & now they can not fulfill their demands. Then accused after conniving with each other started beating me & demanding dowry. Behavior of my husband & in laws family started deteriorating day by day. Accused started taunting me that for Arun Sharma they were getting match of girls of rich family. They were ready to fulfill their demands of dowry. My parental family didn't fulfill any demand of dowry. Accused after conniving with each other, they started treating me as a servant. After two months of marriage accused Arun Sharma misbehaved with me badly. He was addicted to intoxicating tablets & he used to come late in the night. When I used to stop him from doing so, he used to beat me & other accused used to threaten me that in case if I disclosed anything to anyone then they will throw me out of in laws house and I was asked to remain silent. After 3 months of marriage, it transpired from my in laws family that accused no. 1 had relations with girl named Sofia Sultana. When I checked phone of my husband then I found pics of my husband & Sofia Sultana. When I asked about the same from my in laws family then accused no. 1 requested that he will not keep any relation with Sofia Sultana. Even after that accused no.1 kept on making relations with Sofia Sultana. Applicant called accused Sofia Sultana that she should not interfere in their marital life & she should put stop to her love affair, but accused refused flatly. After that applicant disclosed all this to her parents & family & tried to make my husband & in laws family understand & even said that they should not harass & live peacefully matrimonial life. That in the meantime applicant became pregnant from accused no.1 & during pregnancy all the accused made the applicant do all household work. They



refused her good diet & medicine. They refused to bear expense of delivery and the applicant was harassed & sent to her parental home. After that in March 2021, applicant returned to her home. In the absence, accused no. 1 started spending time with Sofia Sultana. Whenever I used to call accused no.1 on phone then accused no.1 used to remain busy with Sofia Sultana & he didn't talk to the applicant. On 27.10.2021, the applicant gave birth to one son at Juneja Hospital, Ludhiana & all expenses of delivery were borne by her parents. Applicant gave information about birth of sone to accused but no accused came to see him. after one month of birth of son, on the repeated requests of applicant, accused no. 1 & 3 came to parental house of applicant & at that time also the accused were not happy with the birth of son. On that day they returned by saying that they will take her back after one week. But even after that accused didn't come to take back me & my son. Whereas after marriage many time applicant & her family had given cash many times & fulfilled their demands of dowry so that I may live happy in my in laws house, but accused were never happy. They didn't use to give maintenance to me & used to taunt me that if I want to live at my in laws house then I should have brought same from parents. That after this my parents spent a lot of money for rehabilitating me but accused were not happy. After about 6 months of birth of child, bua of my husband Santosh Sharma & her husband came, who after discussing the upbringing of child, took applicant to her in laws house. Behaviour of accused remained bad after that. They didn't show any love towards my child. Lastly in the year Sept. 2022, accused harassed me a lot, gave beating to me on pretext of demand of dowry. Accused no. 1 on instigation of other accused tried to kill me by strangulating me. I was thrown out of in laws house in three clothes by saying that until I fulfill their demands of dowry, I can not live in my in laws house & they will not



permit me to live there. In this way accused have spoiled my life by demanding dowry. Accused are not threatening to kill me.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submits that the instant FIR is registered on account of second complaint on the same set of allegations which were part of earlier complaint to the police. He would submit that earlier complaint against the petitioner submitted by the complainant was examined and after due inquiry the same was consigned to record room finding no reasons or merit in that complaint. Now on those very allegations the instant FIR has been registered with false allegations that the marriage was simply solemnized during the pandemic of Covid period. He would further submit that it is due to temperamental differences between the two that has resulted into the present marital discord and rather the petitioner is actually the sufferer who is facing severe mental cruelty at the hands of the complainant who is in habit of lodging false and frivolous complaint having no truth in it.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer opposes the prayer for grant of anticipatory bail on the ground that the recovery of dowry articles is yet to be effected and there are serious allegations of maltreatment as well as beating levelled against the petitioner in the FIR and therefore, the petitioner does not deserve the concession of anticipatory bail at this stage.



4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions made hereinabove except vague allegations of mental and physical cruelty no specific instance is coming forth from the perusal of narrated facts of the FIR and in fact as far as offence involved in the present petition qua Section 406, 498-A of IPC, seems to be as a result of distrust between the petitioner and the complainant having doubts on the petitioner of having extra marital affair.

The petitioner has though undertaken before this Court to join the investigation and duly cooperate with the officer and will also handover the articles whatever he has received during the solemnization of the marriage or thereafter from the in-laws whatsoever and if that is so, his custodial interrogation may not be required at this stage.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today and to surrender all the dowry articles whatsoever are in his possession or in his parents' possession as the case may be thereafter he shall be released upon furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such



directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section

(3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically, stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

09.10.2024
Sangeeta

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