

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-55305-2023(O&M)
Date of Decision: 04.04.2024

SHIVAM NARANG

....Petitioner

VERSUS

STATE OF PUNJAB AND ANR.

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

Mr. Edward Augustine George, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks pre-arrest bail in case FIR No. 67 dated 10.08.2023 registered under Sections 406, 498-A of Indian Penal Code, 1860, at Women Police Station, District Patiala.

2. The aforementioned FIR was registered on the basis of written complaint filed by the complainant-Muskan Chabbra alleging therein that she was married with the present petitioner at Ludhiana according to Hindu rites and ceremonies and huge amount was spent by her parents at the time of marriage as per the demands raised by her in-laws family. However shortly after the marriage, the petitioner and his family members had started maltreating and harassing her on account of bringing insufficient dowry. When the complainant had asked them to give her gold ornaments, costly gifts and clothing etc. to her, they refused to return the same to her and started using the same in rough and tough manner. She was not even permitted to touch any of the articles received by her at the time of marriage

either as dowry or as by way of gifts and the same were misappropriated and converted to own use by her in laws. She was used to be sent to her parental home on various occasions and when her husband used to visit there, she was extended beatings and scenes were created by him every time. She further alleged that she was being abused and maltreated by her in-laws. They expected costly gifts, cash etc. from her parents. On instigation of his parents, the petitioner raised a demand of sum of Rupees five lakhs for his business and when she expressed inability to do so, she was given merciless beatings. She was forced to leave her matrimonial house on 14.07.2022 while she was pregnant and it was due to intervention of panchayat that she could go back to her matrimonial home. However, she was again made to leave her matrimonial home on 01.09.2022 when she was pregnant. She delivered a male child on 16.03.2023 but the petitioner and his family members did not let her come to her matrimonial house. All her *istridhan* which was kept in her in-laws' house was not being returned by them. As such, she prayed for taking action against petitioner and his family members.

3. After registration of FIR, investigation proceedings have been initiated and are going on.

4. It is pertinent to mention here that vide order 06.11.2023, the petitioner was directed to join the investigation.

5. At this stage, vakalatnama has been filed on behalf of respondent no2 and it is argued by the learned counsel that the recovery of dowry articles has not been effected from the petitioner and, therefore, he does not deserve to be given concession of bail.

6. Learned State counsel has also submitted that though the petitioner has joined the investigation on 10.11.2023, but some dowry articles could not be recovered at the instance of the petitioner. Mere non recovery of some disputed dowry articles cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in cases titled as ‘*Jagdish Thakkar vs. State of Delhi*’, 1992 (3) CCR 2764 and ‘*Pooran Singh vs. State of Delhi*’, 2022(1) RCR (Criminal) 503. The custodial interrogation of petitioner is not required. No useful purpose will be served by detaining him in custody.

7. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 06.11.2023 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.

04.04.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No