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CRM-M-58546-2022
Date of decision:04.03.2024

BHAVNA SHARMA

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Namit Gautam, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

Mr. Aman Pal, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

1. Instant petition has been filed under Section 439 (2) Cr.P.C. read with Section 482 Cr.P.C. for cancellation of anticipatory bail granted to accused-respondent No.2 by this Court vide order dated 04.08.2022, Annexure P-3, passed in CRM-M-33892-2020 in:-

FIR No.	Dated	Police Station	Sections
158	21.09.2020	Krishna Gate Thanesar, Kurukshetra	406, 498-A, 323, 324 and 506, IPC, 1860

2. Case of the prosecution is that FIR, Annexure P-1, was registered on the complaint of the petitioner stating that she married respondent No.2 on 20.02.2018. An amount of Rs.1 crore was spent on the marriage functions, out of which Rs.5,11,111/- was given, in cash, at

the time of engagement and Rs.21 lacs was spent for purchasing various house-hold items. At the time of ring ceremony, an amount of Rs.20 lacs was spent as demanded by the accused. It has been alleged that the petitioner has been mentally and physically harassed by the accused, who demanded dowry. A daughter was born out of the wedlock on 05.03.2019 and the agony of the petitioner increased as the in-laws wanted a male descendent. A false complaint was given by mother-in-law against the complainant to pressurize her. A demand of Rs.50 lacs, in cash, was made on 05.02.2020 and the complainant was assaulted. She was admitted in a private hospital and after the accused apologized, no police action was taken. However, her misery did not end, the complainant was again assaulted on 07.08.2020 and she lodged a complaint with the police.

3. I have heard counsel for the parties.

4. After the registration of the FIR, accused-respondent No.2 approached the District and Sessions Judge, Kurukshetra, by filing a petition for grant of anticipatory bail, which was rejected vide order dated 01.10.2020, Annexure P-8, and thereafter respondent No.2 approached this Court and by order dated 21.10.2020, he was granted interim protection and directed to join the investigation. During the pendency of the petition, various attempts were made to bring about a settlement between the parties and they were even directed to appear before the Mediation and Conciliation Centre of this Court, but without any success. On the basis of instructions received from the Investigating Officer, State counsel made a statement before this Court that accused-respondent No.2 has joined the investigation, *challan* has been presented

and he is no longer required for custodial interrogation. Interim order was made absolute by this Court on 04.08.2022, Annexure P-3.

5. The sole ground urged by counsel for the petitioner is that the complete recovery of dowry articles has not been made as is evident from the status report submitted by the Investigating Agency before this Court. This in itself cannot be a ground for cancellation of bail. Proceedings under Section 438, Cr.P.C., are not meant for recovery of dowry articles, which in any case, are disputed. Reliance in this regard is placed upon the judgment of the Supreme Court in Social Action Forum for Manav Adhikar and another versus Union of India and others (2018) 10 SCC 443 as well as Devender Kumar and another versus State of Haryana and others 2010 (6) SCC 753 and the judgments of this Court in Uday Singh Versus State of Haryana 2001 (1) RCR (Criminal) 354; Anil Rajput Versus State of Haryana 2010 (6) RCR (Criminal) 1126 and Sangeeta Versus State of Haryana and another 2016 (4) Law Herald 2899.

6. There is no merit in the petition, which is hereby dismissed.

7. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.03.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No