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

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Date of Decision:- 20.02.2025

Balvinder Singh and another

....Petitioners

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ashish Grewal, Advocate
for the petitioners.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Pawan Attri, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

1. Petitioners Balvinder Singh and Gurmeet Singh have filed petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case FIR No. 282 dated 09.08.2023 under Section 323, 376, 377, 406, 498-A, 506, 511 of IPC registered at Police Station Sadar Pehowa, District Kurukshetra (Annexure P-1).

2. As per the facts of case, Rajbir Kaur filed written complaint against Balvinder Singh and other members of in-laws' family including petitioner Gurmeet Singh alias Bittu. Complainant alleged that she got married with Balvinder Singh on 02.12.2018 at Gurudwara, Bhagatpura, village Harigarh Bhorakh. She was given dowry as donated by her mother and other relatives as her istridhan. After marriage, she started living in

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matrimonial home in village Aurangabad, Yamuna Nagar. Her husband and members of in-laws' family turned out to be greedy persons for dowry. They started raising demand for expensive articles, Alto car, cash of Rs. 5 lacs. Accused No. 1 used to watch online porn movies and she was forced to have unnatural sex. On the protest raised by her, she was beaten up. She tolerated behaviour of her husband with a hope that better sense would prevail upon him. There was consistent demand for dowry of Rs. 5 lacs. Matter came up before Women Cell, Pehowa in the year 2021 where accused persons accepted their mistake in Panchayat and assured to behave properly. After some time, all accused behaved in same manner. Conduct of Bittu was bad towards her. He forced her to be in relationship with him. She was harassed by him with his dirty comments. She tried to explain to her husband and mother-in-law and in return, they abused her and gave her beating. Complainant has narrated one incident of 08.06.2023, when Bittu forcibly tried to do wrong act with her and she saved herself by coming out of the room. Entire blame was put on her and as a result, she was slapped and given beating. Finally, she was turned out of the house with their demand of cash amount. With these allegations, present FIR has been registered.

3. Learned counsel representing petitioners denied all allegations. Earlier at the instance of Gurjinder Singh, one FIR No. 307 dated 19.06.2023 (Annexure P-2) was registered against complainant and present FIR is counterblast to earlier FIR. Other co-accused namely Balwinder Kaur, Amarjeet and Balwant Kaur have been granted anticipatory bail by trial Court vide order dated 26.10.2023. Petitioners

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were always ready for compromise. As per compromise dated 19.10.2023 (Annexure R-1), she has already received her dowry articles. Petitioners were granted interim bail and in pursuance of same, they have already joined investigation. Therefore, their anticipatory bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. It is pointed out that there are specific serious allegations against both petitioners and for this reason, their anticipatory bail applications were rightly declined by trial Court. There was effort to compromise the matter but every time petitioners have failed to fulfill terms and conditions of compromise. Till date, dowry articles have not been recovered. Therefore, custodial interrogation of petitioners is required.

5. Learned counsel representing complainant has also endorsed the arguments advanced by learned counsel representing State.

6. I have considered the arguments and have gone through the record carefully. So far as allegations detailed in FIR qua both petitioners are concerned, those are specific and serious in nature as detailed above. It is matter of record that petitioners were granted *ad interim* bail by the Coordinate Bench vide order dated 26.02.2024. During this period, efforts were made to effect compromise. Copy of Settlement/Panchayati compromise dated 19.10.2023 was relied upon. Despite given ample opportunity, petitioners failed to abide by terms of said compromise, as a result, case was adjourned from time to time and ultimately *interim* order stood vacated by Coordinate Bench vide order dated 15.07.2024. Again

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petitioners expressed their desire to settle the dispute and undertook to produce demand draft of Rs. 2 lacs in favour of complainant. Again case was adjourned time and again and aforesaid amount was never given to complainant by way of bank draft to show his bonafide intention for settlement of matter in controversy. In the light of this, despite all efforts, no compromise could be arrived at.

Coming to the merits of case, till date no dowry article has been recovered. It is rightly pointed out by learned counsel representing State that petitioners did not cooperate with Investigating Agency. Considering the conduct of both petitioners, I do not find a fit case for grant of anticipatory bail and same is accordingly, dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

20.02.2025

*lalit***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No