

(2013) 09 P&H CK 0429

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM-M-1854-2013 (O and M)

Upender Kumar Dhull

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Sept. 6, 2013

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438(2)
- Penal Code, 1860 (IPC) - Section 323, 34, 406, 452, 498A

Hon'ble Judges: Naresh Kumar Sanghi, J

Bench: Single Bench

Advocate: Simranjeet Singh, for the Appellant; Anupam Sharma, AAG, Haryana and Mr. Pankaj Maini, for the Respondent

Judgement

Naresh Kumar Sanghi, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner, Upender Kumar Dhull, son of Kehar Singh, resident of House No. 1046/12, Street No. 9, Shanti Nagar, Kurukshetra, who has been booked for having committed the offences punishable under Sections 323, 406, 498-A and 506 read with Section 34, IPC, in a case arising out of FIR No. 736, dated 5.11.2012, registered at Police Station, City, Hansi. Learned counsel contends that the petitioner is an Assistant Professor and Head of Department of Mechanical Engineering at the University Institute of Engineering and Technology, Kurukshetra, while the complainant is a Bachelor of Ayurvedic Medical Sciences and working as an Ayurvedic Medical Officer in the State of Haryana. He further submits that due to her temperamental differences, the husband and wife could not pull on well. The wife had aggressive temperament and she gave beatings to the petitioner. Even FIR No. 225, dated 7.11.2012, for the offences punishable under Sections 323, 452 and 506 read with Section 34, IPC, was registered at Police Station, Kurukshetra University, Kurukshetra, against the complainant with regard to beatings; assault etc. He also contends that the marriage of the petitioner with the complainant was solemnized in the month of

November, 2008 and thereafter the complainant did not use even a single penny from her income. The whole amount received by her as salary, was deposited in her salary bank account, which fact can be verified from the bank statement. He also contends that the husband, i.e. the petitioner, and the wife (complainant) resided at Kurukshetra after their marriage, but the FIR has been lodged at Police Station, City, Hansi, which has no jurisdiction to register/investigate the case. He further submits that in compliance of the order dated 21.1.2013, passed by this Court, the petitioner has joined the investigation and fully cooperated with the investigating agency.

2. Learned counsel for the State on instructions from ASI Mahavir Singh of Police Station, City, Hansi, submits that in compliance of the order dated 21.1.2013, passed by this Court, the petitioner has joined the investigation and no more required by the investigating agency in this regard. He also concedes that father of the petitioner was arrested and granted bail after several days.

3. Learned counsel for the complainant submits that material articles have not yet been recovered from the petitioner; he had maltreated the complainant and, as such, he is not entitled to the concession of anticipatory bail.

4. Heard.

5. During arguments, learned counsel for the complainant very fairly conceded that a divorce petition has been filed by the complainant-wife and that FIR No. 225, dated 7.11.2012 (Annexure P-4/A) was registered against the complainant and other members of her family, but the police has submitted a cancellation report since no cognizable offence was made out. The father of the petitioner was arrested and granted bail after several days. It has also been conceded by the Investigating Officer that the alleged dowry articles were taken into police possession from the house of the petitioner in the presence of the complainant. It has also been conceded that the petitioner has joined the investigation and no more required by the investigating agency.

6. Keeping in view the totality of the facts and circumstances of the case, the present petition deserves acceptance and the same is hereby accepted. The order dated 21.1.2013 whereby ad interim anticipatory bail was granted to the petitioner by this Court, is made absolute. The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down u/s 438(2), Cr.P.C.