

Rakesh Kumar Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : Apr-23-2014

Appellant : Rakesh Kumar

Respondent : State of Punjab

Judgement :

CRM-M-40487-2013 (O&M) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH CRM-M-40487-2013 (O&M).Decided on: April 23, 2014.

Rakesh KumarPetitioner(s) Versus State of PunjabRespondent(s) ***
CORAM: HON'BLE Mr.JUSTICE M.M.S.BEDI PRESENT Mr.N.D.Sammi,
Advocate, for the petitioner.

Mr.Mikhail Kad., AAG., Punjab.

Mr.G.S.Bhandari, Advocate, for the complainant.

M.M.S.BEDI, J (ORAL).The petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Ashok Kumar the brother of Asha Rani alleging that his sister had been maltreated by the petitioner on account of demand of dowry.

As per the allegations the marriage has taken place about 17 years ago.

There are allegations of demand of dowry, physical violence and persistent cruelty.

Counsel for the petitioner has submitted that as a matter of fact the petitioner has treated the complainant with love and affection but at the instance of her family members. he has been Raj Kumar Arora 1 2014.04.25 14:49 I attest to the accuracy and integrity of this document CRM-M-40487-2013 (O&M) falsely implicated in the case.

The offer has been made by the counsel for the petitioner and the petitioner present in the Court for reunion as it is claimed that the complainant has been residing separately w.e.f.17.5.2012.

The complainant present in the Court has submitted that she had been beaten a number of times during the last 17 years. In order to falsify her, counsel for the petitioner submits that the allegations are absolutely general and vague.

No specific instance of physical violence has been mentioned.

I have heard the learned counsel for the petitioner as well as the counsel for the complainant and the State counsel.

It is an admitted fact that the complainant has been residing separately from the petitioner.

The wife generally will not leave the matrimonial home unless and until she is compelled by the cruelty, torture and humiliation by her husband and in laws.

In this case, the bona fide of the petitioner to resume cohabitation is falsified by the fact that the petitioner has filed a petition under Section 11 of the Hindu Marriage Act, for declaring the marriage with the complainant a nullity on the ground that she had not taken divorce from her earlier husband before marrying him.

When a husband opts to take such a plea after 15 years of the marriage, the said conduct clearly reflects his mentality.

There are allegations of misappropriation of dowry articles of the complainant.

List of articles of stirdhan of the complainant has been appended with the petition
The objective of Section 498-A IPC will be defeated in case in such circumstances, the petitioner is 2 CRM-M-40487-2013 (O&M) granted the concession of pre-arrest bail.

No extra ordinary exceptional circumstances exist for the grant of concession of pre- arrest bail to the petitioner.

Dismissed without prejudice to the rights of the petitioner to approach this Court again in case any amicable settlement is arrived at between the parties.

(M.M.S.BEDI) April 23, 2014.

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