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**(2008) 05 P&H CK 0011**

**In the Punjab And Haryana At Chandigarh**

**Case No : Criminal Miscellaneous No. 8924-M of 2008**

Ajay Duggal

APPELLANT

Vs

State of Haryana and others

RESPONDENT

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**Date of Decision :** 13-05-2008

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 156(3)

**Citation :** (2009) 1 RCR(Criminal) 329

**Hon'ble Judges :** M.M.S. Bedi, J

**Bench :** Single Bench

**Advocate :** P.K. Longia, for Mr. Sameer Sachdev, for the Appellant; K.S. Godara, DAG, Haryana and Mr. Arvind Kashyap, for the Respondent

**Final Decision :** Allowed

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## Judgement

M.M.S. Bedi, J.—The petitioner apprehends arrest in a complaint cases, which was registered at the instance of respondent No. 3 u/s

156(3) Cr.P.C. The allegation against the petitioner is that he has maltreated the complainant and demanded money from her.

2. Learned counsel for the petitioner submits that the marriage had taken place 10 years prior to the lodging of the complaint The reason for

lodging the FIR, as disclosed by the petitioner, is that he has got a better job in Jalandhar but in order to obstruct his movement from Panchkula to

Jalandhar, the complainant has lodged the complaint. Admittedly, the widowed mother of the complainant is residing at Dhakoli near Panchkula.

The allegations in the complaint regarding maltreatment and beatings are vague. No date or time regarding any incident of beating has been

mentioned in the complaint.

3. Today learned counsel for the complainant has put in appearance to oppose

the prayer for pre-arrest bail on the ground that recoveries are yet to be effected from the petitioner. Reference has been made to Annexure C-1, list of dowry articles, which was attached with the complaint u/s 156(3) Cr.P.C.

4. I have heard learned counsel for the parties and considered the facts and circumstances of this case. So far as the recovery of dowry articles is concerned, it is apparent that the list of dowry articles consists of 9/10 gold rings, which were given to the petitioner and his family members. The remaining articles included certain towels, blankets, pillow covers, geyser, washing machine, TV, Sofa set, dressing table etc. Two sets of gold ornaments of complainant are also included in the list of dowry articles.

5. The prosecution has been launched on the basis of complaint u/s 156(3) Cr.P.C. and 1/3rd of the articles are gift items, which cannot fall within

the definition of dowry articles. It is averred by the petitioner in his petition that he has been residing separately from the old widowed mother-in-

law in the same house with the complainant, having a separate kitchen. She is more inclined towards her own mother. The marriage in this case had

taken place 10 years ago and no complaint was ever lodged with the police regarding demand of dowry or cruelty by the complainant. Till date no

statement of any person has been recorded from the locality, which could substantiate the allegations of cruelty towards the complainant. It is

pertinent to mention that the minor daughter, born out of the wedlock, is staying with the petitioner and the complaint appears to be a device to

unnecessarily harass the petitioner. The petitioner has joined the investigation.

Accordingly, the petition is allowed and it is ordered that in case of arrest of the petitioner, he will be admitted to bail to the satisfaction of the

arresting officer subject to the condition that he will appear before the investigating officer as and when required by the police and will not tamper

with evidence or hamper the investigation at any stage. The petitioner will pay a sum of Rs. 50,000/- to the complainant in the shape of a bank

draft within a period of 15 days. The bank draft will be given to the investigating officer to be handed over to the complainant Pooja.