
(2011) 02 P&H CK 0092

In the Punjab And Haryana At Chandigarh

Case No : Criminal M. No. M 4773 of 2011 (O and M)

Nilesh Jha

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 17-02-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 323, 406, 452, 498A, 506

Citation : (2011) 02 P&H CK 0092

Hon'ble Judges : Ram Chand Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ram Chand Gupta, J.

Crl. M. No. 8824 of 2011

1. Application is allowed subject to all just objections.

Crl. M. No. M-4773 of 2011

2. The present petition filed u/s 438 Code of Criminal Procedure is for grant of anticipatory bail to the Petitioner in case FIR No. 185, dated 1.6.2010, under Sections 498A, 406, 323, 452 and 506 IPC, registered at Police Station Madlauda, District Panipat.

3. I have heard learned Counsel for the Petitioner and have gone through the whole record carefully including the impugned order passed by learned trial Court vide which application filed by the Petitioner for grant of anticipatory bail has been dismissed.

4. This is second application for anticipatory bail filed on behalf of the Petitioner-accused. Earlier application for anticipatory bail filed on behalf of the Petitioner has been got dismissed as withdrawn vide order dated 28.10.2010 passed in Crl.M. No. M-31107 of 2010.

5. Brief allegations against the Petitioner-accused are that marriage of complainant Poonam Kumari was solemnised with present Petitioner-accused on 29.6.2007 as per Hindu Rites and ceremonies and an amount of Rs. 15 lacs was spent by her parents in the marriage. However, Petitioner and other co-accused were not satisfied with the dowry. Initially there was a demand of car. Father of complainant had fulfilled that demand by taking loan from the bank. However, thereafter there was a demand of three room flat at Noida, which he could not fulfil. There are specific allegations that on the night of 25.1.2008, she was given severe beatings by Petitioner-accused and was turned out of the house. Allegations are also that on 14.4.2010, Petitioner-accused visited the parental house of complainant and gave beatings to her and her parents and they got themselves medico legally examined from Civil Hospital, Panipat.

6. Allegations against the present Petitioner-accused are very serious in nature. Dowry articles are yet to be recovered. Hence, in view of these facts, it is not such a case in which extraordinary relief of anticipatory bail should be granted to Petitioner-accused.

7. Hence, in view of these facts and without expressing any opinion on the merits of the case, the present petition filed by Petitioner-Nilesh Jha for grant of anticipatory bail is dismissed being devoid of any merit.