

Present: Sh. Sachin Kaushal Advocate, counsel for the applicant.
Sh.G.S Mahal Addl. Public Prosecutor for the State.

Order:

The applicant/accused Rajiv Sondhi seeks his anticipatory bail in case FIR No. 115 dated 08.2.2019 under sections 498-A, 406 IPC, Police station Anandpur Sahib.

2. The present FIR in this case has been registered as per the complaint made by the complainant Appurwa Sen. As per facts of the complaint, complainant married with Mitesh Sondhi on 12.02.2018 and thereafter they lived at flat No. 306 Block-D Maya Gardan, Phase I and II VIP road, Zirakpur. Father-in-law of the complainant was having good terms and friendly relations with father of the complainant, as such, marriage was solemnized between the parties. At the time of *Rota Ceremony*, sufficient gift were given to all the family members of the applicant/accused and approximately Rs. 1.50 lac were spent on the ceremony. Marriage was solemnized at Davat Palace VIP Road, Anandpur Sahib. Family of the applicant/accused was not satisfied with the dowry articles and demanded Honda City car. Thereafter, Activa scooter was given by father of the complainant and the same is still in the possession of the accused party. All the dowry articles mentioned in annexure-A were handed over to the accused-applicant. After the marriage, accused Mitesh Sondhi husband of the complainant, Rajiv

Sondhi father in law of the complainant, Asha Sondhi mother in law of the complainant, Hitesh Sondhi brother in law of the complainant, Aknash Shny wife of Hitesh Sondhi used the articles without consent of the complainant. They dowry articles were not allowed to use by the complainant in her matrimonial house as the same were kept by the accused. Complainant had given monetary support on many occasions to fulfill the desires of her in laws family. Accused Mitesh Sondhi is addicted to drug and when the complainant told this fact to her in laws family, they ignored the fact and threatened the complainant that they concealed this fact from the family of the complainant. All the accused did not take any serious step for treatment of the health of Mitesh Sondhi. When the complainant requested the accused Mitesh Sondhi not to take such drug, he gave fist blows on the person of the complainant. Before the marriage, the complainant was doing private job and after the marriage, she was forced to do the service in the software company of her father in law. Mitesh Sondhi several times gave her slap blows on her face in the presence of other accused but they never bothered to stop him rather they instigated him against the complainant. On 26.12.2018, in the evening, accused Mitesh Sondhi severely caused injury to the person of the complainant. Thereafter, father of the complainant along with family members came to the matrimonial house of the complainant and took her to the parental house. After that

accused admitted their guilt and assured to amend their behavior towards complainant but Mitesh Sondhi after taking drug, created scene and left the complainant on highway road in the morning hours and also snatched the mobile phone and hand bag of the complainant. The accused party tortured and maltreated the complainant mentally and physically. Thereafter, the inquiry was conducted by DSP Anandpur Sahib and present FIR has been registered against the present applicant/accused. Hence, the present bail application.

3. The Ld. Counsel for the applicant/accused argued that the applicant has not committed any offence and has been falsely implicated in the present case at the instance of complainant. The anticipatory bail application of accused Mitesh Sondhi has already been allowed by this court and copy of the order dated 23.01.2020 is attached with the application. even though the present FIR has not been registered against the applicant but the applicant has every apprehension that he will be got arrested in the present case at the instance of the complainant as on 21.1.2020, the applicant, his father Rajiv Sondhi, his other Asha Sondhi were taken by the police to the office of SP Narcotics, Rupnagar from their residing at Zirakpur. They have entered into a written compromise dated 27.01.2020 at Judicial Court Complex Anandpur Sahib and as per compromise, petition under section 13 of HMA was filed in the court. Then the complainant and her mother started raising

some moral illegal demands and her mother threatened the applicant and her family members to get them arrested from the police officials as they have links with the police officials. Hence, the counsel for the applicant/accused prayed that the present bail application may be allowed.

4. On the other hand Ld. Addl. PP for the State appeared and opposed the bail application.

5. Heard. Police record has been perused. As per police record, further inquiry has been conducted by the SP Operation, Rupnagar. As per the inquiry report dated 21.01.2020, the persons namely Asha Sondhi, Hitesh Sondhi, Akanksha Sondhi and Rajiv Sondhi are found to be accused in the present complainant. However, consent of Higher Officers has not been given to cite them as accused in this case. The present applicant has not been cited as accused in this complaint. Moreover, the compromise has also been effected between the parties on 27.01.2020 and as per compromise, petitioner under section 13-B of Hindu Marriage Act was also filed at the court at Sri Anandpur Sahib. Further, the applicant is the father in law of the complainant. Therefore, keeping in view of the facts that the present applicant/accused has not been still cited as accused in this case, therefore, the present application has become infructuous and the same is hereby dismissed. However, in case the applicant Rajiv Sondhi is to be arrested by the concerned police after registration of case against him

within a period of one month, then at least 7 days prior notice shall be given to him. It is also made clear that order will not debar the concerned police to conduct inquiry proceedings stated to be pending against the applicant. Police record be returned. File be consigned to record room.

Pronounced
31.01.2020

Kuljit Pal Singh UID No. PB0125
Addl. Sessions Judge
Rupnagar.