

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No. M-39663 of 2014

Date of Decision: **9.1.2015**

Anupam Vashisht

...Petitioner

Versus

Union Territory, Chandigarh

...Respondent

CORAM: HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Gurinder Singh Attariwala, Advocate for the petitioner.

Mr.Sukant Gupta, Advocate for UT Chandigarh.

Mr.Anand Chhibber, Senior Advocate with
Mr.Ranjit Chawla, Advocate for the complainant.

Mehinder Singh Sullar, J. (Oral)

Petitioner Anupam Vashisht, claiming herself to be 64 years old widow lady and unfortunate mother-in-law, has preferred the instant petition for the grant of concession of anticipatory bail, in a case registered against her along with her son and main co-accused Prakul Vashisht (husband), of complainant Shivangi Vashisht d/o K.C.Sharma (for brevity “the complainant”), vide FIR No.538 dated 22.10.2014 (Annexure P3), on accusation of having committed the offences punishable under Sections 406 and 498-A IPC by the police of Police Station South Sector 34, Chandigarh.

2. Notice of the petition was issued to the respondent.

3. Having heard the learned counsel for the parties, having gone through the record with their valuable assistance and after bestowal of thoughts over the entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed on 20.11.2014 by this court :-

“Learned counsel, inter alia, contended that the petitioner is mother-in-law of complainant Shivangi and has been falsely implicated in this case by her in order to wreak vengeance. The argument is that she was not going to be benefited in any manner from the demand of dowry which directly relates to main accused Prakul Vashisht (husband of the complainant).

Heard.

Issue notice of motion to the respondent.

At this stage, Ms. Ashima Mor, Advocate, on behalf of the U.T.-respondent & Mr. Ranjit Chawla, Advocate, on behalf of complainant, appear, accept notices and seek time to argue the matter.

Adjourned to 05.12.2014 for arguments, at the request of State/complainant counsel.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of her arrest, the Arresting Officer would admit her to bail on her furnishing adequate bail and surety bonds in the sum of Rs.25,000/- to his satisfaction.”

5. At the very outset, the learned counsel for UT Chandigarh, on instructions from the Investigating Officer, has acknowledged the relevant factual matrix and submitted that the petitioner has already joined the investigation. She is no longer required for further interrogation at this stage. Moreover, the marriage of main accused Prakul Vashisht, son of petitioner, was solemnized with the complainant as back as on 13.8.2008. After solemnization of the marriage, they resided together as husband & wife and cohabited as such, but as luck would have been, no child was born out of their wedlock. Petitioner is an old widow of P.D.Vashisht (since deceased), a senior IAS officer in Punjab Government. Neither any specific entrustment of particular dowry articles nor any overt-act of specific cruelty to complainant, in connection with and on account of demand of dowry are assigned to her in the FIR, except general and vague allegations. There is no history of her previous involvement in any other criminal case. All the

offences alleged against the accused are triable by the Court of Magistrate. Even since the prosecution has not yet submitted the final police report (challan), so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of the facts & circumstances, emanating from the record, as depicted here-in-before and without commenting further anything on merits lest it may prejudice the case of either side during the course of trial of main case, the instant petition for anticipatory bail is hereby accepted. The interim bail already granted to the petitioner, by means of indicated order of this Court is made absolute, subject to compliance of conditions as envisaged under section 438(2) Cr.PC.

7. Needless to mention that nothing observed here-in-above, would reflect on the merits of the main case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution/complainant would be at liberty to move an application for cancellation of her bail, in this relevant connection.

9.1.2015
AS

(Mehinder Singh Sullar)
Judge