

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.01.21 11:21
I attest to the accuracy and
authenticity of this document

Date of decision : 14.1.2015

CRM No. M-710 of 2014 (O/M)

Rajiv Goyal

..... Petitioner

Versus

State of Haryana

..... Respondent

CRM No. M-1222 of 2014 (O/M)

Jeena Goyal and another

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Anurag Chopra, Advocate, for the petitioners.

Mr. Anil Mehta, Deputy A.G. Haryana, assisted by
ASI Mansa Ram.

Mr. S.D. Bansal, Advocate, for the complainant
in CRM No. M-710 of 2014.

Mr. P.S. Ahluwalia, Advocate, for the complainant
in CRM No. M-1222 of 2014.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J.

By this order, I will dispose of CRM No. M-710 of 2014, filed by Rajiv Goyal, brother-in-law (Jeth/husband's brother) of the complainant and CRM No. M-1222 of 2014, filed by Jeena Goyal and Anil Goyal, mother-in-law and father-in-law of the complainant,

seeking anticipatory bail in FIR No. 349 dated 28.12.2013, registered under Sections 406/498-A/506/120-B IPC at Police Station Chandimandir, District Panchkula.

The brief facts, which need to be reproduced for the purpose of disposal of these petitions, are that the complainant Shweta Goyal filed a written complaint before the police against her husband, parents-in-laws and others wherein she stated that she was married with Vivek Goyal son of Anil Goyal on 1.2.2013. She was shunted out from the matrimonial house on 15.9.2013. The allegations were levelled that there was a demand of luxury car, flat/ cash of Rs. 50 lacs. It was further alleged that she was daily tortured and beaten by her husband Vivek Goyal, her father-in-law Anil Goyal, her mother-in-law Jeena Goyal, her brother-in-law (Jeth) Rajiv Goyal, her sister-in-law (Jethani) Kirti Goyal wife of Rajiv Goyal and her sister-in-law (Nanand) Bhavna. Her husband, jeth, jethani, alongwith their children are living together in Flat No. 103, GHS-33, Sector-20, Panchkula. The allegations were also levelled against mother-in-law, jethani and nanand of harassment. It was stated that she was slapped and given fist blows in the stomach by her mother-in-law, jethani and nanand. She was taunted and beaten up by all the accused. She was brought under depression and then taken to different private hospitals to get her declared mentally retarded. The other allegations of entrustment of dowry articles to different accused were also levelled.

Learned counsel for the petitioners has argued that infact the mental condition of the complainant is not satisfactory. She was suffering from seizures and she was of mentally unsound mind. Therefore, brother of the petitioner filed a petition for annulment of the marriage on 1.10.2013. It was only thereafter that the present complaint was made i.e. on 20.11.2013.

Learned counsel for the petitioners as well as the learned counsels for the complainant have referred to the medical record. The discharge summary dated 12.8.2013 (Annexure-P-2) of Alchemist Hospital, Panchkula, shows that the complainant was brought to said hospital on 9.8.2013 due to an episode of seizure half an hour ago. She was also suffering from high grade fever since two days intermittent associated with headache, nausea, vomiting and history of tongue bite. It was recorded that the patient responded well to the treatment and sensorium improved gradually and she was discharged from the said hospital with advice to follow up. The report (Annexure-P-3) suggests of depressive features with psychotic tendencies and adjustment problems.

Learned counsel for the petitioners has argued that these conditions existed prior to the marriage, whereas learned counsels for the complainant and learned State counsel have argued that it was due to continuous maltreatment of the husband and in-laws' family with the complainant, who is an M.Sc. (IT), that brought her into such condition.

After going through the file, I am of the view that the allegations are serious in nature. There is no evidence on file regarding any treatment of depression prior to the marriage or immediately after the marriage. The treatment started only in the month of August, 2013 i.e. after six months of the marriage. The facts and circumstances are such that I am of the view that in this case, the free hand needs to be given to the police to collect the evidence and conduct the custodial interrogation of accused to find out the truth. It is not a case of undue hardship. Therefore, it is not a fit case where the powers under Section 438 Cr.P.C. should be exercised by this Court.

Both the petitions are accordingly dismissed.

(KULDIP SINGH)
JUDGE

14.1.2015
sjks