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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2983/2016**

NISHALA CHHABRA

..... Petitioner

Represented by: Mr. Jaspreet S. Rai, Mr. Ishan
Rohan, Advs.

versus

STAE & ANR

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Rajender Singh PS Malviya
Nagar.

+ **CRL.M.C. 2990/2016**

NISHALA CHHABRA

..... Petitioner

Represented by: Mr. Jaspreet S. Rai, Mr. Ishan
Rohan, Advs.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
SI Rajender Singh PS Malviya
Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.08.2016

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Crl.M.A. 12805/2016 in CRL.M.C. 2983/2016

Crl.M.A. 12821/2016 in CRL.M.C. 2990/2016

Exemptions allowed subject to just exceptions.

CRL.M.C. 2983/2016 & CRL.M.C. 2990/2016

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CRL.M.C. 2983/2016 & CRL.M.C. 2990/2016

1. The petitioner is complainant in FIR No.427/2016 under Sections 498-A/406/323/342/377/506/34 IPC registered at PS Malviya Nagar wherein subsequently Section 329 IPC was added. Conscious of the fact that the complainant was physically abused Rohit Chhabra was granted regular bail after he remained in custody for nearly 12 days.
2. In Crl.M.C. 2983/2016 the petitioner seeks cancellation of regular bail of respondent No.2/ Rohit Chhabra, her husband, granted by the learned Trial Court vide order dated 16th June, 2016 and in Crl.M.C.2990/2016 the petitioner seeks cancellation of the anticipatory bail granted to the respondent No.2 and 3 (Praveen Chhabra and Kamlesh Chhabra) her father-in-law and mother-in-law respectively granted by the learned Additional Sessions Judge vide order dated 9th June, 2016.
3. In respect of Crl.M.C.2983/2016 the contention of learned counsel for the petitioner is that since the recovery of articles of istridhan of the petitioner are still to be made, custodial investigation of Rohit Chhabra is required and the learned Additional Sessions Judge grossly erred in granting regular bail in view of the specific accusations against Rohit Chhabra having performed unnatural sex with the petitioner. In Crl.M.C. 2990/2016 contention of learned counsel for the petitioner is that soon after the registration of FIR the petitioner received threat and thus Praveen Chhabra and Kamlesh Chhabra were not entitled to anticipatory bail. It is further stated that there is a real apprehension that Praveen Chhabra and Kamlesh Chhabra may flee from justice.
4. Heard learned counsel for the petitioner.
5. The allegations of the petitioner in the above-noted FIR are that her

parents spent ₹50 lakhs at the time of marriage on 22nd November, 2011 wherein the functions were performed lavishly and costly jewellery and clothes were given as gifts to the in-laws. On 31st January, 2012 she and her husband went to Goa for her honeymoon where he was angry and annoyed with her and performed unnatural sex with her. The complainant was not given any kind of space or freedom in the house. On 8th August, 2012 she was beaten because she refused to ask for the money from her parents as her in-laws wanted to buy a shop in the same area where they were having a show-room. When she wanted to call her parents, the mother-in-law snatched her mobile and threw water on her. The complainant was regularly abused for insufficient dowry. After the incident dated 10th October, 2012 her parents were called and a demand of ₹20 lakhs was made. Whenever she used to go to her parental home, her husband used to demand money. On 1st January and 2nd February, 2013 when she refused to fulfil the demand of bringing cash she was pushed on the floor and slapped. Her husband developed an indifferent attitude on 13th October, 2013 for no rhyme and reason. Her husband used to instigate her to commit suicide and he also indulged in "wife-swapping game". On 8th June, 2014 the complainant was beaten and on 28th June, 2014 she was thrown out of the matrimonial home.

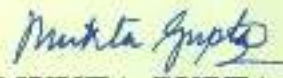
6. It may be noted that Rohit Chhabra was taken into custody and only after 12 days of custody bail order was passed in his favour. Rohit Chhabra was arrested on 4th June, 2016 and sent to judicial custody on 5th June, 2016. No Police Custody remand was sought by the investigating officer, thus the averment of the complainant that custodial interrogation of Rohit Chhabra was required for recovering the articles is totally unfounded. As regards the allegation of threat to the complainant are concerned, the learned Trial Court

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noted this contention of the petitioner and directed SHO PS Malviya Nagar to ensure safety of the complainant not only at her residence but also during her transportation from her residence at Malviya Nagar to Gurgaon. Thus adequate measures have already been taken by the learned Trial Court. As regards the contention of fleeing away from justice is concerned, a LOC was opened against Praveen Chhabra and Kamlesh Chhabra and they have been further directed to surrender their passport with the investigating officer and not leave the country without the prior permission of the concerned Court. Rohit Chhabra has also been directed not to influence the witnesses. Thus adequate conditions have been imposed by the learned Trial Court to safeguard the interest of the petitioner.

7. Considering the facts and circumstances of the case, I find no reason to cancel the bail granted to Rohit Chhabra and anticipatory bail granted to Praveen Chhabra and Kamlesh Chhabra.

8. Petitions are dismissed.


MUKTA GUPTA, J.

AUGUST 19, 2016
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