

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

CRM-M-15036-2018

Date of decision:-1.10.2018

Sahil Kapoor and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Naveen Singh Panwar, Advocate
for the petitioners.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Kunal Dawar, Advocate
for the complainant.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioners – Sahil Kapoor, aged 28 years – husband, Suraj Parkash Kapoor, 59 years – father-in-law and Kanchan Kapoor, aged 56 years – mother-in-law of the complainant Sonam Arora, all of them being accused in FIR No.102 dated 16.3.2018, under Sections 323,

354-A, 377, 406, 498-A, 506 read with Section 34 IPC, registered with Police Station NIT, Faridabad.

Briefly stated, the facts of the case, as per the prosecution story, are that FIR in question was lodged by complainant Sonam Arora, who has been arrayed as respondent No.2 in this petition by way of submitting a written complaint to the police in which She contended that she was married with Sahil Kapoor on 10.12.2017; that after the marriage, they resided together as husband and wife but differences took place between them on account of age difference inasmuch her husband was younger to her by about three years, which fact was within his knowledge and that of his family members but even then they had given consent to marriage between complainant and Sahil. It is very lengthy complaint in which the complainant has given details as to how she had met Sahil and in what manner they decided to tie the nuptial knot, her harassment and maltreatment at the hands of her husband and his family members in connection with demand of more dowry including Honda City car, etc. It is further mentioned that Sahil was unable to perform sexual intercourse with his wife – the complainant. She has narrated that how she was given beatings by her husband on instigation of his parents and other relatives and how she was taunted and harassed by them. According to her, ultimately she was turned out of the matrimonial home and all her dowry and *ISTRIDHAN* articles were retained by her husband and his family members.

On the basis of that written complaint, formal FIR was registered.

Apprehending their arrest in this case, the petitioners had approached the Court of Sessions seeking grant of pre-arrest bail by filing separate applications, however, their such requests were declined by learned Additional Sessions Judge, Faridabad vide orders dated 21.3.2018 and 30.3.2018, respectively. As such, the petitioners have approached this Court asking for the similar relief.

Notice of the petition was given to respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

As far as petitioner Sahil Kapoor is concerned, he being husband of the complainant is the main accused. Learned counsel for the petitioners has contended that petitioner Sahil Kapoor has since joined the investigation and no recovery is to be effected from him, therefore, he be granted concession of pre-arrest bail.

Whereas, the request is being opposed by the State counsel and counsel for the complainant vehemently. Learned State counsel has contended that though the petitioners have joined the investigation but petitioner Sahil Kapoor had not got effected the recovery of jewellery articles and had not cooperated in the investigation, therefore, his custodial interrogation is necessary.

After going through the arguments advanced by the two sides, I find that the allegations against the petitioner Sahil Kapoor are quite serious and grave and his custodial interrogation is necessary for complete and effective investigation. In case custodial interrogation of the

petitioner Sahil Kapoor is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus, the present petition qua petitioner Sahil Kapoor is bound to fail and is dismissed.

Whereas qua his parents, petitioners Suraj Parkash Kapoor and Kanchan Kapoor, I find that there are general allegations of maltreatment and harassment against them. There is nothing to show entrustment of specific articles to them giving the details of such articles when entrusted and when they had misappropriated the same. They are old persons and it is unlikely that they would have committed such acts to disturb the marital life of their son. Both of them have joined the investigation. Therefore, their custodial interrogation is not found to be required. In the matrimonial cases, there is a tendency to throw a net wide so as to rope in as many persons as possible of the family of husband. Therefore, the **petition has merit qua petitioners Suraj Parkash Kapoor and Kanchan Kapoor and the same stands allowed**, subject to the following conditions:

- 1) that they shall make themselves available for interrogation by the police officer as and when required;
- 2) that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- 3) that they shall not leave India without the previous

permission of the Court; and
4) that they shall surrender their passports before the
Investigating Officer if they have got ones otherwise to
furnish affidavit in that regard.

1.10.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No