

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

CRM-M-11440-2019 (O&M)

Date of Decision:-28.8.2019

Mohit Vashisht

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Harjinder Singh

Mr. K.S.Kahlon, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.9 dated 20.1.2019 under Sections 498-A, 406 and 120-B at Police Station City Gurdaspur, District Gurdaspur.
2. The FIR was registered at the instance of petitioner's wife namely Smt. Nidhi Sharma. The complainant infact sent her complaint through e-mail to SSP, Gurdaspur wherein she alleged that her case was not being handled properly by the officials at Women Cell and who were having a biased approach and who had not conducted any proper investigation in respect of her complaint dated 15.12.2017 submitted by her against her husband Mohit Vashisht, father-in-law Bodh Raj Sharma, mother-in-law Shoba Sharma and sister-in-law Priyanka Vashisht. It is further alleged that the accused had

retained her original academic certificates and also her gold and diamond jewellery which had been given to her by her parents at the time of her marriage. It is further the case of prosecution that the accused had been demanding an amount of ₹ 25 lacs cash and gold ornaments.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged on account of matrimonial discord between the petitioner and his wife and that the complainant is simply trying to pressurize the petitioner so as to extort money from him.
4. Opposing the the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that in view of the specific allegations levelled in the FIR, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Apparently, the matter arises out of some matrimonial discord amongst the parties. The veracity of the allegations can only be established after evidence is led by the parties and it may not be appropriate to make any expression on merits at this stage of the case. Without commenting anything on merit of the case, this Court is of the opinion that the facts of the case are not such which would warrant custodial interrogation.
6. The petition, as such, is accepted and the interim directions issued on 13.3.2019 are hereby made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C. It is, however, directed that the petitioner shall make earnest efforts to trace the

certificats/testimonials of the complainant and to return back the same to the complainant. In case the same are not traceable then the petitioner shall assist the complainant in getting duplicate copies of the same issued from the concerned appropriate authorities and shall take all necessary steps to ensure that the duplicate certificates are got issued at the earliest. In case, the petitioner does not render the requisite assistance and does not pursue the matter pertaining to issuance of duplicate certificates, the complainant is at liberty to move an application for cancellation of bail.

28.8.2019

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No