

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

CRM-M-9495-2018 (O&M)
Date of Decision:-28.8.2019

Sunita Koul and others ... Petitioners

Versus

State of U.T. Chandigarh and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.Jagjit Singh Lalli, Advocate for the petitioners.

Mr. Kuldeep Tiwari, Addl. P.P. U.T. Chandigarh.

Mr. Tribhuwan Singla, Advocate for respondent No.2.

GURVINDER SINGH GILL, J.

1. The petitioners have approached this Court seeking grant of anticipatory bail in a case registered against them vide FIR No.1 dated 13.1.2018 under Sections 323, 406 and 498-A IPC at Police Station Women Cell, Sector 17, Chandigarh.
2. The FIR was registered at the instance of Ms. Isha Kaul wife of petitioner No. 3 namely Anmol Koul and daughter-in-law of petitioner No. 1 and 2 namely Sunita Koul and Chand Ji Koul. The complainant alleged that her husband and her inlaws had threatened her several times asserting that they are well connected and that even the police cannot harm them. It is stated therein that in case anything happens to the complainant then it is her husband and her inlaws who will be responsible for her death. It is alleged that complainant's husband had sexual intercourse with her several times

without her consent. It is alleged that complainant's husband often gets drunk and abuses and pushes her and his entire family passes comments about her to the effect that she is fat and is worthless. It is alleged that the accused forced the complainant's parents to give cash to them now and then, although they had already given several household articles and cash as well. It is alleged that even the gold jewellery of the complainant was lying with the accused. It is alleged that the complainant is required to get up at 3 A.M. to attend to her household work and that despite the same the accused want to usurp her entire salary. It is further alleged that the complainant's husband does not have a good character and projects himself as single.

3. The learned counsel for the petitioners has submitted that they have falsely been implicated in the present case on account of some matrimonial discord between the complainant and her husband (petitioner No. 3) and that the present FIR had been lodged so as to pressurize them to give money to the complainant.
4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that in view of the specific and categoric allegations against the accused, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. The case apparently is an outcome of some matrimonial discord between the complainant and petitioner No. 3. It would be a matter of evidence to establish the veracity of allegations. The petitioners, in any case, are stated to have joined investigation.

6. Having regard to the facts and circumstances of the case and the fact that the petitioners have joined investigation, this Court does not find the present case to be one warranting custodial interrogation.
7. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 7.3.2018 are hereby made absolute subject to the condition that the petitioners 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.

28.8.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No