

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

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(PROCEEDINGS THROUGH V.C.)

CRM-M-24380-2020

DATE OF DECISION: AUGUST 26, 2020

Ramesh Arora and another

.....Petitioners

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Akhilesh Vyas, Advocate,
for the petitioners.

Mr. B. S. Sewak, Addl.Advocate General, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court with a grievance that they are being harassed by ASI Dharampal, Police Station Women Cell, District Amritsar (respondent No.4) at the behest of their daughter-in-law, Neha wife of Varun Arora (respondent No.5).

Counsel for the State, on instructions from ASI Dharam Pal (respondent No.4) states that petitioner No.1 has been nominated as an accused in the FIR on the basis of a supplementary statement of respondent No.5, Neha, recorded on 01.08.2020. He asserts that allegation of harassment has been added in the said supplementary statement against the petitioners.

Perusal of the FIR would indicate that there is no mention with

regard to mental or physical harassment at the hands of the petitioner and all the allegations are against husband of respondent No.5, namely, Varun Arora, who has been granted bail under Section 438 Cr.P.C. by this Court vide order dated 26.02.2020 (Annexure P-2) in Criminal Misc. M No.35436 of 2019 (Varun Arora Vs. State of Punjab). As per the said order, Varun Arora was required to deposit an amount of ₹5,00,000/- in the name of the complainant in the shape of FDR with some nationalized bank, fetching higher interest, with the Trial Court/Ilaqa Magistrate within a period of one month from the date of passing of the order in lieu of the alleged recovery of some of the gold items, which was to be disbursed to the complainant in case she was successful in her allegations, otherwise the same was required to be returned to Varun Arora, husband of Neha (complainant-respondent No.5). A true typed copy of the FDR dated 18.03.2020 amounting to ₹5,00,000/- has been placed on record as Annexure P-3.

It is now that when the husband of the complainant, the initial accused in the FIR, has been granted the concession of bail and has also deposited the requisite amount as a FDR that petitioner No.1 has been nominated in the supplementary statement, which, prima-facie, appears to be with a malafide intention after an inordinate delay of about one year and eight months from the date of complaint. The present supplementary statement, as recorded by ASI Dharam Pal, Police Station Women Cell, District Amritsar, also need to be looked at from the angle of allegations as have been mentioned in the present petition.

Petitioners have also approached the Commissioner of Police, Amritsar, District Amritsar-respondent No.2 by way of a representation dated 22.07.2020 (Annexure P-4), which needs to be seriously looked at by

respondent No.2.

The present petition is disposed of with a direction to the Commissioner of Police, Amritsar, District Amritsar-respondent No.2 to consider the representation dated 22.07.2020 (Annexure P-4) and also look into the conduct of ASI Dharam Pal, respondent No.4 and take appropriate steps in accordance with law as required within a period of four weeks from today.

August 26, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No