

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

205

CRM-M-7100-2019 (O&M)

Decided on : 20.08.2021

SMT. RUBY MALHOTRA AND ANR

. . . Petitioner(s)

Versus

STATE OF UNION TERRITORY AND ANR

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Ms. Ruchi Gupta, Advocate
for the petitioner.

Mr. Y.S. Rathore, Additional PP UT Chandigarh.

Mr. Satyaveer Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioners in case FIR No.35 dated 02.02.2019 under Section 406 and 498-A of the IPC registered at Police Station Women Chandigarh.

As per the report received from the Mediation and Conciliation Centre, the parties have failed to arrive at an amicable settlement.

Learned counsel appearing for the petitioners submits that though all efforts were made, however unfortunately, the matter could not be resolved between the parties. In the circumstances, learned counsel for the petitioners submits that she would like to make her submissions on the merits of the case.

Learned counsel for the petitioner contends that in compliance of order dated 15.02.2019 passed by this Court, the petitioners, who are parents-in-law of the complainant, have joined the investigation and all the articles, which were in their possession have since been handed over to the complainant.

Learned State counsel as well as learned counsel for the complainant have vehemently opposed the grant of anticipatory bail to the petitioners. Learned State counsel has submitted that though the petitioners have joined the investigation but some part of the *istridhan* including some gold ornaments have not yet been handed over to the investigating agency.

Learned counsel for the petitioner has however controverted the said fact and is insistent that all the articles which were in the custody of the petitioners have been returned. While inviting the attention of this Court to the allegations levelled in the FIR in question, learned counsel submits that it is very apparent that there are no allegations that any articles including gold ornaments were ever demanded and thereafter entrusted to the petitioners by the complainant. She further submits that even the gifts which may have been given to the sister-in-law of the complainant at the time of the former's marriage, have been included in the list of articles and are now being demanded from them. It has been submitted that there are no allegations that the complainant or her parents were ever pressurized by the petitioners to gift any articles to the sister-in-law or the petitioners. It has been further submitted that an exaggerated list of articles has been handed over by the complainant to the investigating agency for reason but obvious so that the petitioners are not granted the concession of anticipatory bail.

Heard.

Demand and entrustment of the articles as alleged and non-recovery of some of those articles from the petitioners are disputed questions of fact, which cannot be gone into at this stage by this Court.

In view of the above, the petition is allowed and interim order dated 15th February, 2019 is made absolute subject to the conditions laid down in Section 438(2) CrPC.

(MANJARI NEHRU KAUL)
JUDGE

August 20, 2021

S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>