

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14517 of 2018 (O&M)
Date of Decision : 20.09.2021

Dr. Mohit Dhawan

..Petitioner

Versus

U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Dr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Sukhchain Singh Gill, Advocate
for the petitioner.

Mr. Charanjit Singh Bakshi, Addl. P.P. U.T. Chandigarh.

Mr. Aalok Jagga, Advocate for Dentist Association.

Harsimran Singh Sethi, J. (Oral)

CRM-21280-2019

As prayed for, application is allowed.

CRM-M-14517 of 2018

Petitioner is seeking anticipatory bail in FIR No.76 dated 19.03.2018 registered under Sections 420, 467, 468 and 471 of the IPC at Police Station Sector 19, U.T. Chandigarh.

On 18.12.2018, a Coordinate Bench of this Court had passed the following order:-

“Heard.

Complaint was made against the petitioner Dr.

Mohit Dhawan by the complainant Gertrude D' Souza, a US National, making allegations that she needed dental implant and for that purpose she has contacted Dr. Mohit Dhawan through office Manager Mr. Anil, a mediator. She came to India. Further allegations are that proper hotel accommodation, as per agreement was not provided to her. It was further alleged that crowns were implanted one day prior to her departure and on reaching USA, the crowns fell. When she contacted dentist in USA, she was told that the implants are out of alignment with the lower jaw and will be useless. In this way, allegations are that the complainant has been cheated of more than 10,000 dollars. Prima facie, the allegations are of medical negligence. It is further alleged that the receipt of courier is forged.

Learned standing counsel UT was specifically asked whether he needs the custodial interrogation of the petitioner, on which he stated that certain documents are not being supplied by the petitioner. Now, fresh application is again supplied to counsel for the respondent-UT. Petitioner is directed to hand over documents mentioned at serial nos. 2, 3, 4, 5, 10 to 13, 15 to 17 to the investigating officer within seven days. He is also directed to supply user name and password of his computer to the investigating officer. So far as details of civil and criminal cases filed by the petitioner are concerned i.e. mentioned at serial nos. 23 and 24, these need not be supplied.

In the meanwhile, the petitioner is directed to join the investigation and disclose all the facts to the police. In the event of arrest of the petitioner, he will be released on interim bail to the satisfaction of the arresting officer.

It is further directed that no documents from any party shall be taken on record since it is anticipatory bail application only.

It is further made clear that if the petitioner fails

to comply with the directions of this Court, his anticipatory bail application will be dismissed.

List on 14.1.2019.”

Thereafter, certain objections were raised qua the non-cooperation at the hands of the petitioner.

Learned State counsel, who has also joined the proceedings through video conference on instructions from ASI Suresh, states that challan has already been submitted on 02.05.2020. Learned State counsel further states that the investigation into the allegations is still on and, therefore, the cooperation of the petitioner is still required.

Learned Senior counsel appearing for the petitioner submits that the petitioner is ready to join and cooperate in investigation as and when called by the police even hereinafter as the petitioner has nothing to hide.

In view of the above, the order dated 18.12.2018 passed by a Coordinate Bench of this Court granting interim bail to the petitioner is made absolute with the condition that the petitioner will cooperate with the police as and when called hereinafter as well and in case, petitioner does not cooperate with the investigating agency at any given point of time and the said fact is brought to the notice of this Court supported by cogent evidence, the present order will be reviewed.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

CRM-14137-2018 & CRM-20355-2019

As the main petition is disposed of, the present applications

also stand disposed of.

September 20, 2021

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No