

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

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**CRM-M-16621-2021
Decided on : 01.09.2021**

Satwinder Singh Walia and another

. . . Petitioner(s)

Versus

State of U.T. Chandigarh

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Harkesh Manuja, Advocate
for the petitioner(s).

Mr. Anubhav Gupta, APP, UT Chandigarh
assisted by HC Satyawan Kumar.

Mr. Rajesh Khurana, 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. 71, dated 20.10.2020, under Sections 406, 498-A of IPC, registered at Women Police Station, Sector 17, Chandigarh.

Learned counsel for the petitioners states that pursuant to order dated 16th April, 2021, passed by a coordinate Bench of this Court in the following terms, the petitioners have joined investigation:-

“The aforesaid FIR was got registered at the instance of Smt. Indu Chadda. As per the version of the prosecution, the marriage of the daughter of the complainant, namely, Priyanka Chadha, was solemnized on 17.01.2019 with son of the petitioners, namely, Bhanu Walia, as per Sikh rites. The son of the petitioners is a citizen of Australia and there are accusations of maltreatment and harassment for the illegal demands at the behest of the petitioners.

Now, it is submitted by learned counsel for the petitioner that they are aged persons and false FIR has been got registered against them. Also, it is submitted that it is a case of matrimonial dispute between the son of the petitioners and daughter of the complainant. Even, prior to the registration of the FIR, the son of the petitioners had obtained an ex parte divorce from the Australian Court, copy whereof is Annexure P-6. In the divorce petition, daughter of the complainant had not made appearance, despite having been served. She was in know of the pending divorce petition, which is also evident from her status, so uploaded for matrimonial alliance, copy whereof is Annexure P-7.

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Meanwhile, in the event of arrest, the petitioners shall be released on interim bail, to the satisfaction of the Arresting Officer. However, the petitioners shall join the investigation, as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned APP, UT Chandigarh on instructions from HC Satyawan Kumar, has submitted that though the petitioners have joined investigation and recovery of a ring and two gold sets, which were given to the petitioners at the time of marriage, stand effect. However, the cash, which was given to the petitioners at the time of marriage has still not been recovered.

Heard.

Be that as it may, the demand and entrustment of dowry articles are all disputed questions of fact, more so, when the money transactions admittedly have not been made through any cheques or bank drafts and all this would be considered and appreciated only when the evidence is adduced

before the trial Court.

Keeping in view the fact that the petitioners have joined investigation and recovery of most of the articles stands effected as per instructions received by the learned APP, UT Chandigarh, the present petition stands allowed and interim order dated 16th April, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

September 01, 2021

J.Ram

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