

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25467-2020
Reserved on: 18.01.2021
Pronounced on: 25.01.2021

Kamlesh Khosla and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Vinod Ghai, Senior Advocate with
Ms.Kanika Ahuja, Advocate for the petitioners
Mr.Amit Mehta, Sr.D.A.G. Punjab
Mr.Sunil Chadha, Senior Advocate with
Mr.Akshay Chadha, Advocate and
Mr.Vivek K. Thakur, Advocate for the complainant

Deepak Sibal, J.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.93 dated 24.06.2020 registered under Sections 307, 323, 406, 498-A, 120-B, 312, 313, 420, 506, 34 IPC at Police Station Punjab Agriculture University (PAU), District Police Commissionerate Ludhiana.

Neha Khosla filed a complaint with the police that on 25.09.2017 she got married to the petitioners' son - Raman Khosla; though such marriage was the complainant's second and Raman Khosla's third, the petitioners and Raman Khosla misled the complainant by telling her that Raman Khosla's marriage with her was his second marriage; at the time of marriage several gifts, including cash and jewelry, were given to the petitioners and their relatives; as per demand by the petitioners and other

co-accused several dowry articles were also given to them; on 30.08.2018, from the loins of Raman Khosla, the complainant gave birth to a male child namely Chirag Khosla; the petitioners, Raman Khosla and other co-accused being extremely greedy persons used to harass and beat her for bringing less dowry; on several occasions she was also treated with cruelty; on the birth of Chirag Khosla the complainant's husband gave her beatings on the ground that she did not give birth to a girl child as according to him he would now have to divide his property amongst two of his male heirs; on 12.06.2020, at about 9 pm, Raman Khosla and petitioner No.2, with a Cricket bat, gave merciless beatings to the complainant and in such beatings petitioner No.1 also participated; Raman Khosla attempted to strangulate the complainant and petitioner No.2 put a pillow on her face with an intention to kill her; after giving her merciless beatings she was thrown on the road; her father and brother, on being informed, came there and got the complainant treated as also medico legally examined.

After filing of the above complaint a supplementary statement was made by the complainant in which she alleged that on two occasions when she was pregnant she was given beatings by her husband leading to miscarriages.

Learned senior counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case; on 19.09.2019 petitioner No.1 had filed a petition under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short the Senior Citizens Act) seeking therein eviction of the complainant from their house; on 06.02.2020 the petitioners filed another complaint with the police with regard to beatings given to them by the complainant; on 06.03.2020 a petition under

the Protection of Women from Domestic Violence Act, 2005 (for short the Domestic Violence Act) was filed by petitioner No.1 seeking therein the complainant's eviction on the ground that she was constantly quarreling with them and making their life hell; on 12.06.2020 the petitioners filed a complaint that the petitioners had been given beatings by the complainant; as a counter blast to the above proceedings launched by the petitioner(s) as also marital discord between the complainant and their son – Raman Khosla the petitioners have been falsely embroiled by the complainant in the FIR in question; the allegations of miscarriages are only against Raman Khosla; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no case under Section 307 IPC is made out; petitioner No.1 who is a 66 years old lady is suffering from severe orthopedic/ spine problems; petitioner no.2 is aged 75 years and suffering from serious pulmonary issues and that under the interim orders passed by this Court the petitioners have not only joined investigation they have also fully cooperated with the investigating agency.

Learned State counsel as also learned senior counsel appearing for the complainant opposed the grant of anticipatory bail to the petitioners on the ground that the petitioners have harassed the complainant for bringing less dowry and given her beatings; the MLR of the complainant clearly revealed that merciless beatings have been given to her by the petitioners and her husband and that the MLRs produced by the petitioners of alleged beatings to them by the complainant on 12.06.2020 are dated 16.06.2020 i.e. after an unexplained delay of four days casting on them a shadow of doubt.

Whether the filing of cases by the petitioner(s) against the

complainant under the Senior Citizens Act and the Domestic Violence Act is the reason for their false implication and in the facts and circumstances of the case whether Section 307 IPC is attracted as also if the petitioners also suffered injuries at the hands of the complainant would be debated during the course of the petitioners' trial.

However, the FIR in question does primarily originate from the marital discord between the complainant and her husband – Raman Khosla; the medical record produced by the petitioners reveal that petitioner No.1, who is a 66 years old lady, is suffering from severe spine/ orthopedic problems; petitioner No.2, who is a 75 years old man, is suffering from serious pulmonary issues; under interim orders passed by this Court both the petitioners have joined investigation as and when called by the investigating agency and that no recovery is to be effected from them.

In view of the above, this Court is of the considered opinion that custodial interrogation of the petitioners is not warranted and resultantly, the order of this Court dated 01.09.2020, granting ad interim anticipatory bail to the petitioners is made absolute.

The petition is allowed in the above terms.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

25.01.2021

gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No