

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

209

CRM-M-4235-2022
Date of Decision: 30.05.2022

DR. ROSY DHAWAN

.....PETITIONER

VERSUS

UT OF CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. R.Kartikeya, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition cast under Section 438 Cr.P.C., the bail petitioner craves for being enlarged on anticipatory bail, in respect of FIR bearing No.76 of 19.03.2018, registered at Police Station Sector – 19, U.T., Chandigarh, embodying therein, offences constituted under Sections 420, 467, 468, 471, 419, 477, 201, 204 read with Section 120-B of IPC and Section 66-D of the IT Act (added later on).

2. That husband of the bail petitioner Dr. Mohit Dhawan, runs a dental clinic, and, he allegedly made a promise, to the complainant rather for facilitating hers improving her dental health, through his making the requisite corrections in her dentures, rather qua hers, for the above purpose, being boarded in a deluxe hospital at Chandigarh.

3. However, the complainant alleged that rooms which were to be booked for the complainant, were not booked for her, and, also alleges that the dentistry work done by Dr. Mohit Dhawan, on her dentures, were found faulty. Therefore, since he had paid the moneys' to Rosy Dhawan, who

works in the conservative dentistry, and, whose cards were used by her husband Dr. Mohit Dhawan, to ensure hers being booked into deluxe hospitals, is inculpated, in the petition FIR, rather as a conspirator alongwith him. The moneys' as paid to Dr. Mohit Dhawan, are alleged in the complaint, to be a sequel of fraudulence becoming practiced by him, and, also by co accused his wife, given hers being incharge of the bookings concerned.

4. In respect of the deficiency in service, appertaining to faulty dentistry work done by Dr. Mohit Dhawan, upon, the complainants' dentures, the complainant alleges in the complaint, that it so became opined by her dentist in USA. She also alleges that in sequel to the faulty dentistry work done, on her dentures by Dr. Mohit Dhawan, she is being unable to eat, speak clearly, and, also has resulted in hers being unable to socialize.

5. However, the investigating officer S.I. Suresh Kumar, is present in court, and, submits that in respect of the opinion above, as made by the doctor/dentist concerned in U.S.A., besides qua the consequent therewith the above disablements becoming purportedly visited, upon, the complainant, neither any opinion of the doctor concerned in USA, nor any opinion of the medical board, has been adduced by the complainant, nor the complainant visited India, subsequent to her departure from India, especially for, ensuring that she becomes examined by a competent medical board.

6. In view of the above, it appears that the entire gravamen of the allegations made by the complainant, against the petitioner, are prima facie, at this stage, bereft of any sufficient evidence, and, therefore this court does not deem it fit, and, appropriate to decline the indulgence of pre arrest bail

to the petitioner. Moreover, also when the principal accused Dr. Mohit Dhawan has been enlarged on anticipatory bail, through an order comprised in Annexure P-7, besides especially when the incrimination as drawn against the petitioner is that of hers being a conspirator alongwith him.

7. Moreover, also when, at this stage, no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of hers fleeing from justice, and, tampering with the prosecution evidence. In consequence, this Court becomes constrained to admit the present petitioner to anticipatory bail.

8. In aftermath, the bail applicant-petitioner is admitted to anticipatory bail, and, in the event of her arrest, she may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when she is summoned through a written Hukamnama, she shall ensure hers rendering cooperation to the investigating officer.

9. Disposed of.

10. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

May 30, 2022
Kavneet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No