

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

209/2

**CRM-M-4186-2022
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.56 of 06.10.2021, registered at Police Station Sector – 19, U.T., Chandigarh, embodying therein, offences constituted under Sections 419, 420, 467, 468, 471, 201, 204 IPC and Section 66-D of the IT Act (added lateron).

2. That husband of the bail petitioner Dr. Mohit Dhawan runs a dental clinic, and, the complainant had undertaken dental implant treatment from her husband. The complainant has alleged, that the dentistry work done by Dr. Mohit Dhawan, was found faulty and, also, the stay of complainant in India, through medical tourism plan, rather with regard to

the above treatment, was also unsatisfactory. Therefore, since he had paid the moneys' to Rosy Dhawan, who works in the conservative dentistry, and, whose cards were rather used by her husband Dr. Mohit Dhawan to ensure his bookings, therefore, she becomes inculpated, in the petition FIR, 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, qua hers being incharge of the bookings concerned. He also alleges that he had implanted only 10 implants in his mouth, whereas, he had paid the moneys' for 13 nobel bio care implants, and, that he had used sub-standard implants.

3. However, the investigating officer S.I. Suresh Kumar is present in court, and, submits that neither any opinion of the medical board, has been adduced by the complainant, nor the complainant ever visited India, subsequent to his departure from India, for ensuring his becoming examined by a competent medical board.

4. 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.

5. 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, or tampering with the prosecution evidence. In consequence, this Court becomes constrained to

admit the present petitioner to anticipatory bail.

6. 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.

7. Disposed of.

8. 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