

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(102-1)

CRM-M-9189-2022
Date of decision:- 07.04.2022

Chisty

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sehajbir Singh Aulakh, Advocate
for the petitioner.

SUVIR SEHGAL, J. (ORAL)

This order shall dispose of *CRM-M-9189-2022 titled as Chisty Versus The State of Punjab and others* and *CRM-M-9200-2022 titled as Chisty Versus The State of Punjab and others* as both the petitions have been filed by the complainant-petitioner under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking cancellation of bail granted to the private respondents by the learned Additional Sessions Judge, Patiala vide separate orders dated 12.01.2022 in case FIR No.98 dated 23.12.2021, lodged for offences under Sections 406 and 498-A of the Indian Penal Code, 1860 at Police Station Women Cell, Patiala.

As per the case of the prosecution, FIR has been lodged by the complainant-petitioner on the allegation that her marriage was solemnized with Salil Kataria on 05.03.2018 and a daughter was born out of the wedlock. From the very inception of marriage, the petitioner was treated with extreme humiliation and was tortured physically and mentally by her in-laws, who are living in a joint family along with other relatives, under the same roof. Despite a written apology by her husband, there was no change in the behaviour of the

accused, rather they started extending death threats to her on account of bringing insufficient dowry. On 16.07.2021, she was subjected to merciless physical assault and in order to save her and her child's life, she left her matrimonial home and started staying with her parents. She was admitted in Rajindra Hospital, Patiala, where she was given medical attention. She submitted an application dated 20.07.2021 to the Senior Superintendent of Police, Patiala on the basis of which FIR, Annexure P-1, has been registered against her husband, in-laws (respondents No.2 and 3 in CRM-M-9189-2022) and other relatives (respondents No.2 to 4 in CRM-M-9200-2022) of her husband.

Counsel for the petitioner has urged that the private respondents have been granted anticipatory bail by the learned Additional Sessions Judge, Patiala despite the fact that recovery of the dowry articles could not be effected from them and the bail granted to them deserve to be cancelled.

Having heard counsel for the petitioner, this Court is of the view that there is no merit in the argument raised by him. Supreme Court in ***Rajesh Sharma and others Versus State of Uttar Pradesh and another 2017 (3) R.C.R. (Crl.) 836*** and ***Social Action Forum for Manav Adhikar and another Versus Union of India and others (2018) 10 SCC 443*** has held that recovery of dowry items, which are disputed, is not in itself a ground for denial of bail to the accused.

In view of the above, there is no merit in both the petitions and they are hereby dismissed.

07.04.2022

Kamal

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No