

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

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(Through Video Conferencing)

(1)

CRM-M-23334-2021 (O&M)

Date of decision: 08.02.2022

Vikas Arya

.....Petitioner

Versus

State (Union Territory, Chandigarh)

.....Respondent

(2)

CRM-M-11391-2021 (O&M)

Vishal Arya

.....Petitioner

Versus

State (Union Territory, Chandigarh)

.....Respondent

(3)

CRM-M-7636-2020

Chaman Lal Arya and another

.....Petitioners

Versus

State (Union Territory, Chandigarh)

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunil Panwar, Advocate and
Mr. Amandeep Rana, Advocate
for the petitioners in all the cases.

Mr. A.M. Punchhi, PP, U.T., Chandigarh with
Mr. Anupam Bansal, APP, U.T., Chandigarh.
Ms. Vasundhara Dalal Anand, APP, U.T., Chandigarh.

Mr. P.S. Khurana, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of CRM-M-23334-2021 filed by
husband of the deceased, CRM-M-11391-2021 filed by brother-in-law
of the deceased and CRM-M-7636-2020 filed by parents-in-law of the
deceased for grant of anticipatory bail to them in case FIR No.191

dated 18.11.2019 under Section 304-B IPC, registered at Police Station Maloya, U.T., Chandigarh.

Learned counsel for the petitioners *inter alia* contends that the deceased had been married to petitioner-Vikas Arya for six years prior to the alleged occurrence i.e. 06.05.2019 when she committed suicide by hanging from a fan in her matrimonial home. At no point in time during the preceding six years of the occurrence, any allegation of any kind of harassment much less for demand of dowry was ever levelled against petitioner-Vikas Arya or his family members. Not only this, even during the inquest proceedings when the statements of both the complainant and his father Padam Singh were recorded under Section 175 Cr.P.C., no suspicion was raised by either of them qua the involvement of any person much less the petitioners in the crime in question. Learned counsel in support has invited the attention of this Court to the statements of both the complainant and his father recorded during the inquest proceedings under Section 175 Cr.P.C. which have been annexed as Annexures P-1 and P-2 with the petition. Further contends that it was only after 2 ½ months of the alleged occurrence, that the complainant, for the first time came up with the allegations which find reflected in the FIR in question that the deceased was being subjected to continuous torture, and demands of money etc. were being made by the accused which were met by the complainant party on numerous occasions. It has been urged that had there been any grain of truth in the allegations levelled by the complainant in the FIR, he and his father would not have in natural course of events omitted to make a

mention of the alleged continuous harassment meted out to the deceased in their respective statements recorded under Section 175 Cr.P.C., which were admittedly recorded soon after the occurrence in question. Learned counsel has still further submitted that the relations between the parties had always been cordial as would be evident from the text messages exchanged between petitioner-Vishal Arya and the complainant which have been placed on record. Learned counsel has also placed on record some bank statements which reflect certain business dealings and transactions between the parties. Learned counsel in particular, has strongly refuted the allegations levelled that varying sums of money were given to the petitioners at their residence on demand on 17.04.2015, 17.12.2016 and 14.07.2016. It has been urged that it was a matter of record that on the said dates, petitioner-Vishal Arya and petitioners-Chaman Lal and Asha were not even in Chandigarh but were in Pune where petitioner-Chaman Lal was working. Learned counsel has still further submitted that the allegations levelled in the FIR, that the signatures of the complainant and his father had been obtained on blank papers which were later converted into their statements under Section 175 Cr.P.C. belied all logic and could not be digested. He submitted that if there would have been some substance and the complainant party would have actually been threatened with dire consequences, as alleged, they would have not chosen to remain mum as it was only on 07.06.2019, that they moved a complaint to the police station concerned for the first time. Learned counsel submits that petitioner-Vikas Arya in compliance of order

dated 02.07.2021 and petitioner-Vishal Arya and petitioners-Chaman Lal and another in compliance of orders dated 24.08.2021 have joined investigation and cooperated with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant, on instructions from SI Ram Dayal, does not dispute the factum of the petitioners having joined investigation. Learned State counsel further submits that the petitioners have cooperated with the investigating agency and are not required for further investigation much less for their custodial interrogation.

Learned counsel for the complainant has, however, vehemently opposed the prayer of the petitioners for grant of anticipatory bail by reiterating the allegations levelled in the FIR in question. Though the learned counsel has not disputed the contents of the statements of the complainant and his father recorded during inquest proceedings but has urged that after obtaining the signatures of the complainant and his father on blank pages, the police in collusion with the accused party had fabricated their statements.

Learned State counsel has, however, controverted the submission made by the learned counsel for the complainant qua the alleged collusion between the accused and the police.

I have heard learned counsel for the parties and perused the material on record.

This Court would refrain from commenting upon the alleged collusion between the accused and the police with respect to the contents of the statements of the complainant and his father made under

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Section 175 Cr.P.C. as it would be a matter to be adjudicated upon and appreciated at the time of trial.

In the facts and circumstances as enumerated hereinabove coupled with fact that the petitioners have joined investigation, cooperated with the investigating agency and as submitted by the learned State counsel, their further investigation is not required, the petitions are allowed and interim orders dated 02.07.2021 and 24.08.2021, are made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

08.02.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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