

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24247-2021
Date of Decision: 15.02.2022

Abhishek GuptaPetitioner

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...
(through video conferencing)

Present: Mr. Deepak Sabherwal, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Ankur Bansal, Advocate
for the complainant/respondent No.2.

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MANJARI NEHRU KAUL, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.65 dated 26.05.2021 under Sections 406/498-A IPC registered at Police Station Women Cell, Jalandhar.

Learned counsel for the petitioner submits that the FIR in question emanates from a marital discord between the petitioner and his wife i.e. the complainant. Learned counsel for the petitioner has submitted that totally false and exaggerated allegations have been levelled by respondent No.2 (complainant) against her husband i.e. the petitioner of subjecting her to physical and mental harassment on account of insufficient dowry, which was received at the time of their marriage. Learned counsel

has further submitted that as per the allegations levelled in the FIR in question, it was on the asking of the petitioner and his family, a huge amount of money was spent on the marriage and in support of which, respondent No.2 (complainant) had given some bills as well, however, when the investigating agency carried out inquiry, it was found that most of the bills so annexed along with the FIR, were fake and fabricated. Learned counsel in support of his contention has referred to Annexure P-9, which is an inquiry report dated 15th July, 2021 of Addl. Deputy Commissioner of Police, Headquarter, Jalandhar, wherein, the factum of the complainant party having fabricated the bills etc. finds duly substantiated. Learned counsel for the petitioner has further submitted that the parents of the petitioner have already been extended the concession of anticipatory bail by the Court below and all the dowry articles, which were stated to be in their possession, stood duly recovered and returned to respondent No.2 (complainant). He further submits that in compliance of order dated 26.08.2021 the petitioner had joined investigation and cooperated with the investigating agency. Therefore, the present petition be allowed.

Learned counsel for the State, on instructions from ASI Shishpal Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigation agency. He submits that the petitioner is not required for further investigation much less for his custodial interrogation.

Learned counsel for the complainant has vehemently opposed the prayer made by the petitioner for grant of anticipatory bail by reiterating the allegations levelled in the aforesaid FIR. He has controverted the submissions made by learned counsel for the petitioner by urging that the

inquiry (Annexure P-9) was conducted ex-parte without joining the complainant and hence, reliance cannot be placed on the same. He has, however, not been able to dispute the fact that the parents of the petitioners have since been extended the concession of anticipatory bail by the Court below and also has not been able to dispute that while extending the concession of anticipatory bail, it was noticed by the Court below that most of the dowry articles, which had been given at the time of marriage to them, stood duly recovered and returned.

I have heard the learned counsel for the parties.

In the wake of the statement made by the learned State counsel that the petitioner has joined investigation and cooperated during the same, the instant petition is allowed and order dated 26.08.2021 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

15.02.2022

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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No