

205/3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38211-2022 (O&M)
Date of Decision: 14.11.2022

KIRAN KHOSLA

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bharat Puri, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. S.S.Chatrath, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

On 08.09.2022 following order was passed in the main case:

“Petitioner is seeking anticipatory bail in case bearing FIR No. 0047 dated 18.05.2022 for offence under Sections 498-A, 324 and 506 IPC and Sections 406 and 120-B IPC added later on, registered at Police Station Division No.1, District Pathankot.

Learned counsel appearing for the petitioner contends that petitioner is Mother-in-law of the complainant-Neharika Mahajan. Initially, the FIR has been registered against the husband of the complainant. The petitioner was found to be innocent and his name has been added at a subsequent stage. Moreover, the son of the petitioner, namely, Deepak Khosla has already preferred a petition bearing CRM-M-No.27493 of 2022, under Section 438 Cr.P.C. for grant of anticipatory bail wherein interim bail has been granted by this Court on 27.06.2022 and furthermore, the matter has been referred to the Mediation and Conciliation Centre of this Court.

Notice of motion.

Mr. APS Tung, DAG Punjab, accepts notice on behalf of the respondent-State.

At this stage, Mr. S.C.Chatrath, Advocate has put in appearance on behalf of the complainant by filing Memo of Appearance in Court today.

To be heard along with the CRM-M-27439-2022, which is stated to be fixed for hearing on 14.11.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the marriage of Deepak Khosla was solemnized with the complainant on 20.01.2017 and a son has been born from the wedlock. The petitioner is the mother-in-law of the complainant. The FIR has been registered on the basis of the false and vague allegations. Furthermore, in pursuance of the interim directions, the petitioner has joined the investigation and she is not in possession of any articles of *istridhan*.

Learned State counsel has submitted that the petitioner has joined the investigation and her custodial interrogation is not required.

Learned counsel for the complainant has opposed the bail application on the score that 60 Tolas of golden jewellery is yet to be recovered.

On a query, learned State counsel submits that the bills to the tune of about Rs. 2.5 Lakhs pertaining to the golden jewellery have only been submitted.

The controversy as to whether the petitioner has misappropriated the articles of *Istridhan* will be a debatable and moot point during the course of trial. The petitioner has joined the investigation in pursuance of the interim directions issued by this Court and her custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 08.09.2022 is made absolute.

The petition stands allowed.

14.11.2022

Janki

(VIVEK PURI)
JUDGE

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