

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 216

CRM-M-54001-2021

Date of decision : 22.08.2022

Raman Joshi and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.A.K.Arora, Advocate, for the petitioners.

Ms.Himani Arora, AAG, Punjab.

Mr.Abhay Sharma, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioners seek anticipatory bail in FIR No.91 dated 08.12.2021 registered under Sections 406 and 498-A IPC at Police Station Women, Amritsar.

On 23.12.2021 this Court had passed the following order: -

“Prayer in this petition is for grant of anticipatory bail to the petitioners in case FIR No.91 dated 08.12.2021 under Sections 406 and 498-A IPC registered at Police Station Women, Amritsar.

Learned counsel for the petitioners submits that a false and fabricated case having been planted upon the petitioners, who are the husband and father-in-law of the complainant, arrayed as respondent No.2, is apparent from the fact that the complainant had come up with two versions with respect to the occurrence which allegedly took place on 15.09.2021. In support, learned counsel has drawn the attention of this Court to Annexure P-2 which is FIR No.0239 dated 01.10.2021 registered at the instance of the complainant-respondent No.2. He submits that a perusal of the allegations levelled in the said FIR reveals that there had been some quarrel between the complainant and her inlaws family when she was asked by her husband i.e. petitioner No.1 to serve dinner on the ground floor of their house. Learned counsel submits that in the said FIR, the complainant had not even obliquely alleged any mental or physical harassment against the petitioners qua demands of dowry or misappropriation of the same and had rather stated that there used to be quarrel between her and her in-laws family over trivial matters. Learned counsel submits that thereafter the FIR in question was got registered wherein an altogether different story had been coined and a different complexion given with respect to the occurrence which had allegedly taken place on 15.09.2021 in the matrimonial home of the complainant inasmuch as she levelled allegations of sexual harassment against not only petitioner No.2 i.e. her father-in-law but also other male relatives of her husband i.e. petitioner No.1. Learned counsel further submits that subsequent to the

registration of both the aforementioned FIRs, an inquiry was carried out by the police which too did not find any substance in the allegations levelled with respect to the alleged sexual harassment and physical cruelty.

Notice of motion for 05.05.2022.

At this stage, Ms. G.K. Mann, Sr. Advocate assisted by Mr. Maan Akashdeep Singh, Advocate has put in an appearance on behalf of respondent No.2-complainant. Mr. Maan Akashdeep Singh, Advocate undertakes to file his power of attorney in the Registry of this Court.

Meanwhile, the petitioners are directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioners have joined and cooperated with the investigation and that their custodial interrogation is not required by the State.

Admittedly, the originals of all documents of the complainant which were in the petitioners' possession have been handed over by learned counsel for the petitioners to learned counsel for the complainant in Court today.

After considering the above submissions made on behalf of the petitioners as recorded in the afore quoted order and the afore-referred statement made by learned State counsel, the order of this Court dated 23.12.2021, granting ad interim anticipatory bail to the petitioners is ordered to be made absolute.

22.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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