

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1)

CRM-M-1980-2023

Date of Decision:- 24.05.2023

Anita Aggarwal

...Petitioner

Versus

State of Punjab and Anr.

...Respondents

(2)

CRM-M-2648-2023

Abhinav Aggarwal

...Petitioner

Versus

State of Punjab and Anr.

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Sumit Sangwan, Advocate for the petitioners.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioners – Anita Aggarwal and Abhinav Aggarwal have filed separate petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0067 dated 02.11.2022 (Annexure P-1) under Section 498-A, 406 of Indian Penal Code, registered at Police Station Women, District Bathinda. These petitions have arisen out of the same FIR, therefore, both the petitions are taken up together for disposal.

The facts of the case are that Shiffia Mittal filed written complaint against her husband Abhinav Aggarwal, mother-in-law Anita

Aggarwal and Vinit Aggarwal, alleging that she is a well educated girl having done M.B.A. Their marriage was settled through matrimonial advertisement in English Tribune. Prior to marriage, ring ceremony took place on 25.09.2015 and the family of her husband demanded Rs. 50 lacs from them. As per their demand, her parents had given Rs. 13 lacs cash and six gold coins and a set was given to her husband and mother-in-law respectively. They further demanded gifts of Rs. 2 lacs for other relatives. The marriage was solemnized on 07.12.2015. Her parents had given Rs. 15 lacs to her husband alongwith expenditure of marriage. She was given 30 tolas of gold as per the demand raised by her in-laws family. Thereafter, she came to Bathinda and demanded her articles from her husband and mother-in-law but they refused to return the same. On the birth of her nephew, her husband started raising demand for a car worth Rs. 20 lacs. She was residing in Noida and during this period she became pregnant. Even during this period, she was maltreated in the matrimonial home. Her parents were called at the time of delivery. She was not given proper treatment in the matrimonial home. They insisted on their demand. Her father convened a panchayat to settle the dispute but it did not work out and thereafter, she came to her parental house. With these allegations, present FIR has been registered.

The learned counsel for the petitioner Anita Aggarwal argued that the complainant was residing with her husband at his work place. She visited occasionally for a short duration. The allegations of maltreatment and demand of dowry are false. Infact, it is the complainant who does not want to stay in this marriage.

Regarding Abhinav Aggarwal, it is argued that all the allegations are false. They were living separately for the last about 3 and a half years.

He is suffering from 45% of disability from legs. He was humiliated and taunted due to his disability. No dowry was demanded from the complainant or her family. The petitioner operated locker only on two occasions, whereas, the complainant operated the locker 18 times. She has concocted a false story. Even otherwise, the dowry articles are already recovered. Both the parties have joined the investigation and they are still ready to do so. Therefore, their anticipatory bail applications may be allowed.

Bail applications are opposed by learned counsel representing the State. The detailed status report is also filed. It is argued that there are specific serious allegations of demand of dowry and maltreatment given to the complainant in the matrimonial home. The complainant was given 30 tolas of gold at the time of marriage, out of which only 74.710 grams of gold have been returned. The recovery memo is also placed on record which is dated 24.01.2023. It is pointed out that rest of the ornaments are yet to be recovered. Therefore, the petitioners are not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record carefully. Admittedly, after marriage the complainant and her husband were residing separately at the work place of her husband. During the course of investigation, Abhinav Aggarwal has already handed over the gold ornaments, wrist watch, one plate and two small containers of silver to the police. The petitioners have denied the allegations of demand of dowry or maltreatment given to the complainant. It is further denied that they were given 30 tolas of gold. As per the recovery memo dated 24.01.2023, some of the gold ornaments and silver articles have been recovered. The entrustment and misappropriation of other gold ornaments

is matter of trial. Both the parties have joined the investigation and they are still ready to do so. Considering these facts, the anticipatory bail applications filed by the petitioner Anita Aggarwal as well as by the petitioner Abhinav Aggarwal are allowed. They be not arrested. In case of their arrest, they be released on bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as enshrined under Section 438(2) Cr.P.C.

The petitions are, accordingly, accepted.

Photocopy of this order be placed on the file of connected case.

24.05.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No